

1 suffer, at a time when we continue to see our kids
2 move out of this state to seek employment elsewhere.

3 It is more important now than ever, for
4 us, as West Virginians, to come together, and yet on
5 this particular subject, there does not seem to be
6 any compromise from the other side.

7 I have sat here today and listened to
8 chasing the God of money, and I certainly haven't
9 found that to be true in the people that I have known
10 in the coal industry. They worship the same God that
11 I do, and it certainly is not legal tender.

12 We recently celebrated our 50th year at
13 the Caterpillar dealership here in West Virginia. I
14 believe I have said that we have 600 employees, and
15 it is a family-owned business.

16 We were proud to have President Bush at
17 our facility a year ago to make a nationwide talk,
18 and we strongly stand behind his issues, and what
19 this Administration believes in.

20 I believe this coal industry is more
21 highly regulated today than it has ever been.

22 In my 25 years in the business, I have
23 never known it to be as regulated as it is today. It
24 has been witnessed by all of these agencies that are

1-12

1 on this podium today.

2 I think the bottom line is that if we
3 would just stop and consider the alternatives.

4 I love the mountains, I love the
5 streams, I love this state, that is why I am still
6 here. That is why a lot of my brothers and sisters
7 are employed by Walker Machinery, are still here in
8 West Virginia, because we love this state.

9 It is not because we hate the mountains,
10 or hate the streams, but we have got to somehow learn
11 to peacefully coexist, because this state needs
12 coal.

13 I firmly believe that.

14 We are rich in this wonderful resource,
15 and this state needs coal to provide jobs for this
16 state, to provide good-paying jobs for this state,
17 and for the people that want to stay here and
18 continue to try and make a go of it with a family in
19 West Virginia.

20 This country needs coal. When one
21 considers the alternatives, it is easy to say, Let's
22 shut it down, let's close it down, but when you start
23 looking at the alternatives for energy in this
24 country, natural gasses -- there is a fine-line

11-1-2

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1 amount, there is not enough of it to go around.
 2 Nuclear energy, people don't want nuclear energy
 3 built in their backyard.
 4 Do we want to rely on Middle Eastern
 5 oil? I would hope that the past year, has shown you
 6 that is certainly not the way we want to go.
 7 This country needs coal, the state has
 8 an abundance of it.
 9 I thank you for your time today. I hope
 10 that we can get these issues behind us, because I can
 11 tell you this: The coal companies that work in this
 12 state, right now you cannot -- these people, when
 13 they go before their boards, they cannot do five-year
 14 plans, or three-year plans, or even a one-year plan.
 15 At our place of business, we cannot do a
 16 five-year plan, we can hardly do a six-month plan
 17 because of all of the dark clouds that have been held
 18 over this industry.
 19 I wish you God's speed in putting these
 20 issues behind us, and God's speed in letting this
 21 state continue to mine coal, and for us to continue
 22 to try and make a go of it here in West Virginia.
 23 Thank you.
 24 MR. CHAIRMAN: Ms. Carol Warren.

11-8-5

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1 After Ms. Warren speaks, we will be
 2 taking a five-minute break. When she finishes,
 3 I will announce the next two names to come up and
 4 speak before the break so that they will be prepared.
 5 Thank you.
 6 MS. WARREN: Hi. My name is Carol
 7 Warren. I live in Webster County. I am a 16th
 8 generation West Virginian, and I work at the Council
 9 of Churches as co-chair of Peace and Justice Program
 10 Unit.
 11 As people of faith, we believe that we
 12 are called to care for all of that God created and
 13 pronounced good.
 14 I think, in these mountains we see God's
 15 Majesty, and in the rocks we understand God's
 16 strength, and in the mist and clouds, we know God's
 17 mystery. And in the hollows and coves, we feel God's
 18 embrace.
 19 We truly are in the midst of a sacred
 20 space.
 21 That being said, I would like to talk a
 22 little bit more about our direct experience over the
 23 last three years, which has been dominated by two
 24 words, "flood relief".

10-6-2

1 We have been putting together projects
2 to provide housing for people who have lost their
3 homes. We have been trying to console and help
4 people put their lives back together after losing
5 everything they had, not just once, but sometimes two
6 and three times.

7 We have been there counseling the
8 children, who are so frightened by what they have
9 experienced, that they can't be put into the bathtub
10 without screaming.

11 We have poured millions of dollars of
12 church, and church aid, to put resource into these
13 efforts. We have diverted church personnel from
14 other jobs that they would normally do, to be in the
15 area of flooding to help people. We have hired
16 dozens of additional full-time employees to work on
17 flood relief.

18 We have done that because we have wanted
19 to help, because we have compassion for the people
20 who have suffered so much.

21 But our resources are not infinite. The
22 Council of Churches just sent out another letter to
23 our judicatory head asking for more donations,
24 because we don't have the money necessary to do all

17-2-3

1 the things that we would like to do to try to help
2 people in the community to recover.

3 And so, we have to come to a point where
4 we ask ourselves whether these resources are actually
5 going into making life better again for the people
6 who have suffered so much, or whether we are in fact
7 subsidizing damages practices that are not being
8 adequately regulated.

9 And we have come to that point, and we
10 are asking that question.

11 So we have been in the southern part of
12 the state for the last three years trying to do our
13 job, and trying to be a compassionate presence there
14 for people.

15 Now we want to ask you to do your job,
16 and to be sure that regulations are in place that do
17 not cause the flooding and the disasters that people
18 are experiencing, to get worse.

19 Thank you.

20 MR. CHAIRMAN: Okay, we are going to
21 take a five-minute break now. But the speakers after
22 the break will be Jack Henry and Diana Wood.

23 If you have not registered, I would ask
24 you to register, and especially if you wish to speak.

17-1-1

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1 you need to register.
2 Thank you.
3 Please be back in five minutes.
4 (Break.)
5 MR. HENRY: Good afternoon, everybody.
6 My name is Jack Henry.
7 I am a pastor in the Kanawha Valley, and
8 have been for the last 25 years. I used to be in the
9 coal business, and left the coal business for
10 full-time ministry.
11 One of the things that I soon learned in
12 the ministry, was that we had a decline in our youth
13 leaving the state.
14 We were one of two states that continued
15 to have a decline in population. But the primary
16 interest to me was our youth that we were losing,
17 that we were losing, that was graduating from our
18 schools, but had nothing they could do after
19 graduation.
20 The second thing that I noticed is that
21 in our areas of the state, we had the largest
22 percentage of homes being destroyed, broken, most of
23 it from lack of income.
24 Yes, we have a pollution problem in West

10-1-2

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1 Virginia, it is called poverty. I think that it is a
2 sad thing to have that situation of poverty.
3 We have such riches in our natural
4 resources, the Lord has given us great natural
5 resources and he said in his word, he said, I know
6 the plans that I have for you. Plans for you to
7 prosper and not be harmed. Plans for you to have a
8 hope and a future.
9 But He leaves that up to us to implement
10 what he has already put in place. He has put the
11 wealth of these natural resources in our mountains.
12 He wants us to utilize them efficiently, and
13 competently. But it is Him that put them here, we
14 didn't put him here. But I am thankful that he did
15 put them here.
16 We are the richest state in the nation
17 on a per capita basis in these natural resources, but
18 yet we are last on the list of everything negative.
19 That don't hardly make sense to me.
20 So I think that we need to look into
21 what we have in these natural resources and to
22 develop them to their maximum, coal being at the top
23 of our natural resources.
24 We do get some wealth out of the mining

1 of the coal, and the transporting of the coal, but I
2 am learning that there is great, great, wealth that
3 is untapped yet, in the ultimate raw material in the
4 final product that can be made from coal.

5 We are involved in searching and working
6 in cooperation with the Universities, WVU and
7 Marshall, and others -- but mainly WVU -- that there
8 are new products from coal, something called coal
9 pitch.

10 I don't have the time to get into it in
11 detail, but it is already developed, it is patented,
12 and there is already contracts that have been
13 negotiated and completed with organizations that are
14 out to better the quality of life in West Virginia,
15 who are qualified chemists, and others now, to put in
16 place a chemical -- a part of Dal-Chemical, to
17 commercialize this product.

18 This product is so fantastic that I
19 think that coal will one day be too valuable to
20 burn. It's going to cause, I think, new demands for
21 coal, new jobs for coal, the manufacturing jobs is
22 what we need in this state.

23 There are a lot of jobs, but there's a
24 lot that don't have jobs.

1 But the biggest number of jobs that we
2 have in this state, are people that are on minimum
3 wage, or barely over minimum wage, and that doesn't
4 have to be. With all of these resources, we ought to
5 be able to give our people living wages. Jobs that
6 they appreciate. Jobs that they can have esteem in.

7 And when I think about all of the
8 negative things that goes against our
9 natural-resource industries, I think it is a shame
10 that we should have that.

11 It seems like for coal, for example,
12 that we have an attitude about mountaintop removal,
13 that we could have mountaintop removal, or clean
14 streams.

15 I think that is sad. We should be able
16 to say with all of our technocracy that is
17 represented here on this platform, and throughout our
18 schools, with all of our technocracy and our
19 abilities, we ought to be able to say that we can
20 have mountaintop removal and clean streams.

21 We ought to be able to utilize and
22 maximize and provide more jobs for our people.

23 For each industrial job that is out
24 there, such as the harvesting of coal, there are 7-

11-1-2

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1 or 2 other jobs that are equally providing good
2 living wages that is associated with that one
3 excavation job, or harvesting job of harvesting coal.
4 It is too vast of a cost for us to just
5 want to throw away a major industry. We just can't
6 do it.

7 But I really believe that if we look
8 hard, we could find a way to coexist, and to be
9 profitable, and to have the blessings of the Lord on
10 us.

11 I would like to see the reversal of
12 these entities that have come in our state.

13 You don't have to read the newspaper, or
14 watch the Tonight Show very long, to see somebody
15 making comments about us being 49th, or 50th, in
16 everything that we do.

17 So I would like to see us become the
18 head, and not the tail of all of those things, and
19 with a good utilization of our natural resources.

20 MR. CHAIRMAN: You are out of time.

21 MR. HENRY: I believe that we can do it.
22 I am all for it.

23 Thank you.

24 MR. CHAIRMAN: Diana Wood.

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1 Then the next speaker is Natalie

2 Spencer.

3 MS. WOOD: My name is Diana Wood, and I
4 am from Beckley, West Virginia.

5 My husband and I own a small store in
6 Beckley, and at the same time, I work for a coal
7 mine.

8 It seems like anywhere, it takes two
9 people working just to make it.

10 I drove my son to the airport today. He
11 is in the service. He left this state, went into the
12 service, and that is the job that he had to take
13 because there wasn't one here.

14 And as I drove him to the airport, he
15 was telling me, Mom, when I get out of the service, I
16 want to come back here and work. What kind of jobs
17 are there?

18 I said, Well, there is not a lot. There
19 is really not a lot. And he said, Well, look around
20 and tell me what there is that I can do here when I
21 come home. I want to go to college, and get my
22 degree, and everything, but tell me what kind of jobs
23 that are here, because I want to live and work in
24 this state.

1 And as his plane took off, I thought,
2 God, what do we all need to do, buy an airline ticket
3 and fly out of here? Because it seems that we have
4 just been totally commissioned out of everything.

5 I never thought that my job would be
6 fought. I never thought that I would have to fight
7 for the right to work. I just thought that I would
8 be able to work and someday retire, and sit out on my
9 front porch and rock, but that is not how it is. Now
10 we have to literally fight to have jobs.

11 In working for the coal mines, I see all
12 kinds of paperwork, where we apply for permits and
13 all this kind of stuff. I don't understand it all,
14 because I am not an engineer, but I can tell you
15 this: There is a lot of paperwork already. There is
16 a lot that we have to do already, to apply for these
17 permits and do these things.

18 And as I drive down the road, I look and
19 I see all of the things that have changed over the
20 years that I have grown up in West Virginia.

21 You don't see a lot of people dumping on
22 the side of the road, and different things like that
23 that used to be.

24 I lived in a coal community as I grew

1-12

1 up, and people would drive to the end of town and
2 dump their trash. Nobody does that anymore. We are
3 all becoming more environmentally wise, and we are
4 trying to take care of what we got.

5 I am very proud to be a West Virginian,
6 and I am very proud to live in this state.

7 Yes, I think it is beautiful, but I
8 don't want to make it the kind of beauty that the
9 tourist drive through and they enjoy it, and I can't
10 work, and I have to leave here because I can't work.

11 One of the gentlemen said, Is this a
12 joke? No, this is not a joke. It is my life. It is
13 my family's life. It is your life. We want to work
14 here.

15 We want to work here, we want to do it
16 safe, we want to do it clean, we want a job, and we
17 want to provide jobs for our children, that we don't
18 have to put them on an airline ticket out of town
19 because there is nothing here for them.

20 The schools are all coming together in
21 one, we are junking everybody together, because so
22 many people are leaving here because there is
23 nothing.

24 Yes, it is beautiful, oh, my God, it is

1 beautiful, and God gave it to us. But everybody
2 wants to blame everything on the mines, or something
3 else.

4 You know, I live on a hill, and there is
5 nothing on that hill but these houses. And we have
6 had so much rain over the past few years that I have
7 a two-level house, and one day it came so hard -- it
8 was the day that 8- to 12 inches of rain.

9 It came so hard, that it came down the
10 road, and the ditches couldn't take it, and my
11 bedroom on the lower level flooded. I couldn't blame
12 that on the coal mines, because there isn't one in
13 miles of my house.

14 Do you know where the rain came from?
15 It came out of the sky. And it fell, and it came so
16 quick, I could do nothing about it.

17 I cleaned up my mess, and I thought,
18 well, God, thank you that it didn't get my whole
19 house. Because I looked in the paper and I saw
20 people that lost their houses, and they lost
21 everything. And I thank God that I live on top of
22 that hill, because I knew that is what saved me. It
23 wasn't anybody that made that happen to me, it just
24 was life.

17-1-2

1 I have lived there for 50 years. And in
2 that 50 years, I have never seen rain like we have
3 had in the last few years, and I have never seen some
4 of the hardships that we have had.

5 And I look at the people around, and I
6 see all the energy, and all of the things that we put
7 together here, and I think, Why can't we do something
8 really good with this? Why can't we put it all
9 together, all of our smarts?

10 Let's put it all together and make a
11 place for our children to work.

12 Let us work.

13 Let us provide for them.

14 You know -- and I am not using this name
15 as a grand stand, but when I read in the paper that
16 Jessica Lynch went into the service to be able to go
17 to college when she came out and be a teacher,
18 I thought, that is my son. That is my daughter.
19 That is our children, because that is what we have
20 given them because we fight over things.

21 To say that it is a joke, no, it is not
22 a joke, it is my life.

23 People, we just want to work. There is
24 enough regulation.

1-12

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1 We are regulated to death.
2 MR. CHAIRMAN: Natalie Spencer.
3 The next speaker will be John Metzger.
4 MS. SPENCER: My name is Natalie
5 Spencer.
6 I am from Kingston, West Virginia.
7 I work for coal.
8 I can't understand why in the State of
9 West Virginia, with all the economic problems that we
10 are having, why anyone would want to ruin a few
11 industries that helps us survive.
12 I don't condone destroying the
13 environment, as much as the next person, but I also
14 believe that some groups are not looking at the whole
15 picture of this mountaintop removal, as they call
16 it.
17 They are trying to make people believe
18 that the whole state will be leveled by the time the
19 coal industry gets through with it.
20 This isn't true. What good are
21 inaccessible mountains? With the type of reclamation
22 that the mining industry has to do nowadays, this
23 otherwise unusable piece of land could be used for
24 many things, and it is.

10-3-2

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1 There's golf courses, recreation areas,
2 schools are put on these, shopping centers. There is
3 always a useful place for this land when it is taken
4 care of.
5 That is going to be where all those
6 tourists can stay that we are expecting this state to
7 have that is going to save us.
8 All we ever hear about is the
9 bad things -- the bad issues. Go look for yourselves
10 at some of the useful projects on these lands.
11 Then the West Virginia employment rate
12 has gone from over 47,000, in the month of May, they
13 said, now it is 51,000, in month of June.
14 The statistics are out there showing how
15 many types of jobs are affected. What impact will
16 this situation have if we run coal off?
17 I suggest that you take a right on Route
18 19, in Fayette County, heading from Mt. Hope to
19 Beckley. The mesa there was not created by the coal
20 industry. No one seems to complain about all of the
21 run-offs from the rains from these future
22 developments.
23 As you drive by, you can clearly see
24 where the water runs down and it has to go somewhere,

10-3-2

11-1-2

1 it has to cover up some creek areas.

2 No one complains about all of the fill
3 that the Highway Department makes when they clear
4 these roads, or when they make a dual lane.

5 I cannot think of another industry in
6 this state that is constantly having to fight to keep
7 going on.

8 There are legitimate, neglectful,
9 problems sometimes, but coal in West Virginia is
10 blamed for everything.

11 If it was not such a needed industry, I
12 could understand. Are there really people here that
13 want to pay higher heating and cooling bills?

14 The electric companies, they will have
15 to import it from other states, and that is going to
16 be at a higher cost, and who is going to pay for
17 this? The consumer.

18 We are going to be paying higher taxes
19 with so few people left working. Somebody is going
20 to have to support all of these unemployed people.

21 You, truthfully, and factually, cannot
22 blame all of this on the coal industry for the
23 problems it faces and suffers from the flooding.

24 The State needs to start regulating

1 citizens, and themselves.

2 There are so many more bridges on
3 creeks, and also the little culverts that they are
4 putting in because all of the people from the city
5 want to go out into the country and live next to
6 nature.

7 There is trash along the roads out in
8 the country, creek banks are full, and then when
9 these floods come down, they wash it down and they
10 get stuck in all of these culverts.

11 State-road ditches are rarely cleaned up
12 after they are filled with run-off from the many
13 rains that we have had. And I said earlier, the land
14 developers that start different projects are never
15 finished. All of these factors contribute to the
16 problem.

17 The only reason most of these groups go
18 after coal companies is because they have money, and
19 you can't sue God.

20 In the majority of the floods in this
21 state was due too much rain, in too short of a time.

22 I suppose all of the bad flooding in
23 Charleston is due to coal mining?

24 There is severe flooding all over the

17-1-2

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1 United States. The largest portion of these occurred
2 in the states where there is no coal mining.

3 So let's quit putting all the blame on
4 the coal industry.

5 The West Virginia coal industry is more
6 regulated than any other industry in this country, or
7 probably in the world.

8 The Federal government isn't as hard on
9 us as this state. How many more jobs will this state
10 lose to extremist groups?

11 How many people are going to have to
12 move out of the State if they want and need the jobs
13 to support their families?

14 With the economy as it is in this
15 country, there won't be many places to go.

16 I read a letter in one of the local
17 papers about a man who said, We might as well just
18 sell our land to the Federal government and turn it
19 into a State park, then we will have a place for all
20 the tourist money to come in.

21 But people need jobs. We need to wake
22 up. We need to protect the environment. It is
23 getting out of hand.

24 Why have the doctors left?

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1 No more Super Wal-marts, or K-marts, if
2 there is not any flat land to put on there either.

3 If no one has jobs, and West Virginia
4 needs coal, coal produces jobs, and coal-related.

5 Thank you.

6 MR. CHAIRMAN: John Metzger.

7 The next speaker will be

8 Randy McMillion.

9 MR. METZGER: Hello.

10 My name is John Metzger.

11 I am a surface coal miner.

12 I guess I believe that I am a
13 law-abiding citizen, and I believe the company that I
14 work for is a law-abiding citizen.

15 I believe in our system of government,
16 which basically says that we vote on what laws we
17 want, we give those laws to you folks, you folks
18 interpret them, and enforce them, and our company
19 follows them.

20 The issue that I see is that we have a
21 lot of groups out there that want to -- just as soon
22 criticize, instead of coming up with meaningful
23 solutions to some of the problems that we have.

24 It is easy to say, I will stop the coal

| 11-1-2

1 mines, but it takes a better person to come up and
2 say, Hey, what do we have to do here? What do we see
3 wrong?

4 I hear about all of these metals,
5 whatever, we have in the streams, okay, what do we
6 have to do to clean that up?

7 I think you look at our company, and
8 most all of the companies, and most all of the
9 individuals work in these coal mines.

10 We want to do the right thing.

11 Every now and then, yeah, we stub our
12 toes, but we are out there to do the right thing.

13 I don't want to flood the ground, my
14 kids have to live on this earth, too, and their kids
15 do, too.

16 So I would say that we have got to start
17 looking at what we are doing here.

18 Our company, if we do something wrong,
19 we are penalized. Either one of us will go to jail,
20 or we will pay a fine.

21 But one of these groups can come up here
22 and run frivolous lawsuit, after frivolous lawsuit,
23 and what recourse does the company have, or any of us
24 as an individual?

5-5-3

1 We are out there in the coal, yet they
2 can keep channeling this stuff through our court
3 systems, blocking it, and killing us economically.

4 Where is the justice there?

5 What is our recourse?

6 Also, this land that they all talk
7 about, saving our mountains, it is owned by
8 individuals.

9 What rights do those folks have?

10 I hear about, well, we have to put
11 everything back to original contour; what does the
12 landowner have to say? Don't they have a say in what
13 is their property?

14 This same group of people would be
15 thoroughly upset if you told them that they could not
16 plant their garden in such a way in their backyard.

17 Also, they will sit and criticize
18 everything we do, and they will tell you how bad we
19 should cut out coal mining, these same people get up
20 in the morning, flip on the light switch, take a nice
21 hot shower, get on the Internet, and they do it all
22 with coal; with all of the energy that the coal
23 produced.

24 The same group of people will get in

19-3-2

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1 their car and talk about the greenhouse effect, and
2 use fossil fuel to drive down to get to the airport.

3 When I hear about the forests, those
4 some people will sit up here with their nice-written
5 notes on a piece of paper, and as far as I know, the
6 only place paper came from was wood.

7 So I would like to say that we need to
8 start working together here.

9 Don't criticize, but help make us
10 better. We are willing to learn.

11 Thank you.

12 MR. CHAIRMAN: Randy McMillion.

13 The next speaker will be Karen Keaton.

14 MR. McMILLION: Good afternoon.

15 Thank you for the opportunity to speak.

16 I guess I am a little perplexed.

17 I am a native of West Virginia. I have
18 lived here for 46 years of my life, and grew up in
19 the mountains, and somehow I am struggling to
20 understand the vast destruction that this industry is
21 accused of having in the area.

22 I was growing up as a kid -- and as a
23 lot of other folks have stated -- environmentally,
24 this state is the same in significant means, over the

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1 span of my lifetime.

2 You look at the streams and the
3 countryside, it is twice what it was when I was kid.

4 As you read this EIS, or as you try to
5 read it, it is obvious that there are no fatal flaws
6 in this industry.

7 This industry is responsible. This
8 industry has made significant gains, and strives in
9 protecting the environment.

10 What is needed is logical, affordable,
11 gains in environmental protection in the future.

12 This industry is very vulnerable in economics.

13 It cannot burden significant cost
14 impacts. So a little sensibility, a little
15 understanding of where we have been, and a little bit
16 less idealistic views of the future.

17 There is a reasonable solution here.
18 This industry provides a great resource to this
19 state, and to the nation.

20 The opponents that oppose coal, are also
21 going to oppose hydroelectric bands, they don't want
22 these rivers plugged up.

23 They are also the ones that are
24 unwilling to let land masses be consumed by

1-12

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1 windmills.
2 At the same time, if you look at gas,
3 the gas prices yesterday closed at \$5.12 per million
4 BTU's.

5 On the equivalent basis, your electric
6 bill -- your electric being generated by coal --
7 would be three times of that today if you used
8 gasoline.

9 I would just say, look where we have
10 been, look at the advancements we have made, have a
11 realistic view of the future, and do something that
12 is sensible and reasonable.

13 Thank you.

14 MR. CHAIRMAN: Karen Keaton.

15 The next speaker will be Terry Brown.

16 MS. KEATON: I just want to say that I
17 am proud that I work for the coal company.

18 I have never worked for such a good
19 group of people. They are marvelous.

20 Every day when I go to my job, I feel my
21 job is going to be over. No one should have to live
22 in fear to work.

23 Thank you.

24 MR. CHAIRMAN: Terry Brown.

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1 The next speaker will be Doug Waldron.

2 I think I butchered that name.

3 MR. BROWN: My name is Terry Brown.

4 I am from Fayetteville, West Virginia.

5 I have lived in West Virginia all my
6 life.

7 I am a miner.

8 I think this issue is far out of hand.

9 Because, like I said, we have lost a lot of farmland
10 due to Interstates. These mountaintop removal jobs
11 make beautiful farmland, beautiful housing
12 developments.

13 You look across the river and look at
14 the houses up on the hill, you could have a beautiful
15 house up on a hill on these abandoned strip mines.

16 How many of you live in log homes?

17 Nobody lives in a log home?

18 Nobody lives in a stick home?

19 Everybody lives under a rock, do they?

20 Interstate 64 shut down a month ago;

21 flooding.

22 What was it, the strip mine right beside
23 of it?

24 No, too much water.

10-3-2

74

1 Two years ago my house got flooded; too
2 much water. No strip mine around.
3 So why are we getting blamed for it?
4 There is no reason for it. Like they say, there are
5 a lot of issues being covered, and this could come to
6 an agreement and everybody work, and have a good
7 life.

8 Thank you.

9 MR. CHAIRMAN: Doug -- and I will let
10 you say your last name.

11 The next speaker after Doug will be Mike
12 Vines.

13 MR. WALDRON: Thank you very much for
14 your time today.

15 My name is Doug Waldron. I have it
16 written there.

17 A very important issue, and I will just
18 wait to say a few words: First of all, I am glad
19 that we live in the State and in a Nation, where we
20 can all get up and express our views and opinions,
21 and not have to worry about retaliation.

22 Also, I am glad that we live in a state
23 that back in 1863, when West Virginia was created,
24 that the founders of this state came up with a seal,

17-1-2

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1 and on this seal they represent two people standing
2 beside of a rock. The person on the left-hand side
3 was sometimes called a logger, but I believe he was
4 actually a farmer.

5 The person on the right-hand side was a
6 coal miner. It has never been disputed that it was a
7 coal miner.

8 Coal mining in West Virginia -- about
9 some 70-, 40-, 50 years ago here in West Virginia,
10 and it was very important, and today it is more so
11 important because coal is West Virginia.

12 Over 80 percent of the electricity,
13 folks, was generated here in West Virginia, comes
14 from coal. Through the plants, over 50 percent of
15 the electricity across our nation, again, comes from
16 coal, and there is no replacement for coal at the
17 cost savings that we have right now.

18 Yes, with have an environmental problem,
19 and yes, we have been working on it.

20 In my lifetime -- I am 57-years-old --
21 we have made strides way far and beyond of what
22 anybody ever anticipated.

23 I was born and raised out in Lincoln
24 County on Coal River. Coal River, back then, was

11-9-2

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1 generally used to wash coal in. The coal, even
2 today, is still in the river, but today, it is
3 cleaner than -- I think that it has been, even back
4 in my father's lifetime.

5 Coal here in West Virginia -- what would
6 our economy be here in West Virginia today without
7 coal?

8 We can blame ourselves, we can blame our
9 government, but without coal, would there be a Civic
10 Center, would there be a 119, or would there even be
11 a Walmart, if we didn't have coal here in West
12 Virginia.

13 There is no replacement for it.

14 And what would be in the future, if we
15 didn't have coal?

16 We will mine coal, and we will mine coal
17 safely, and environmentally, I believe, responsibly
18 and not to destroy the Mother Earth.

19 I was born here in Lincoln County, here
20 in West Virginia. I have lived here all my life. I
21 have been married 16 years, and I am proud to be a
22 West Virginian, and I am proud to be a proud
23 supporter of the West Virginia coal industry.

24 Yes, I am like Mr. Coleman, I work with

5-5-2

10-3-2

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1 Walker Machinery Company and I get my paycheck from
2 coal, but if I didn't, I would still support the coal
3 industry.

4 Without coal here in West Virginia,
5 folks, I don't really see where there will be any
6 replacement.

7 I will say this in closing, I don't care
8 if you like it, if you don't like it, if you want it,
9 if you don't want it, we are stuck with it, and we
10 need to mine it responsibly.

11 Coal is West Virginia.

12 Thank you.

13 We need to mine it responsibly.

14 MR. CHAIRMAN: Mike Vines.

15 And then the next speaker will be Jeremy
16 Fairchild. As you come to the stand, I will remind
17 you to state your name and where you are from.

18 Is Mr. Vines here?

19 MR. VINES: My name is Mike Vines. I am
20 a salary employee of a large mountaintop mine in
21 southern West Virginia.

22 They are a very responsible company, and
23 hopefully, all of us workers are very responsible
24 people.

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1 I have got two children, three
2 grandchildren, and we all rely on my job.
3 At the present time, my daughter is in
4 Charlotte. No employment here for her.
5 My son is a surface miner, equipment
6 operator for another company. He asked me last
7 night, he said, Dad, what is going to happen to the
8 mining industry. I said, Son, I don't know. I said,
9 the regulations are overtaking us. It is kind of in
10 the government's hands and you as a family.
11 But I think maybe we are losing vision.
12 This is not just a mountaintop issue. This
13 valley-fill issue also is deep-mining orientated.
14 The refuge (inaudible) impoundments requested.
15 So if this law goes through, and you
16 guys not fit to stop us, the next phase is deep
17 mining. The next step, this is a ghost state, as far
18 as I am concerned.
19 McDowell County, is a ghost town. We
20 are not only impacting my job, you are impacting my
21 children, my grandchildren, so for everyone of us,
22 there are 10 to 15 more behind us.
23 I am very proud of this state. I have
24 been in this business for 30 years. I have seen it

13-3-2

79

1 come from pre-law in the 70's, to where we are today;
2 high schools, golf courses, roadways, and I think we
3 can all work this in a responsible manner, and help
4 each other.
5 The environment would be better after we
6 are finished.
7 I would love to see my kids be able to
8 stay here. I have got a mother that is 90 years old.
9 I do not want to leave the state. I care for her
10 now, because she can't care for herself.
11 I appreciate the opportunity to speak
12 before you.
13 Thank you.
14 MR. CHAIRMAN: Jeremy Fairchild.
15 Then the next speaker will be Andy
16 Ashurst.
17 Remember to also say where you are from.
18 MR. FAIRCHILD: Hi. My name is Jeremy
19 Fairchild.
20 I am from Beckley, West Virginia.
21 I am a friend of coal, and proud to say
22 that.
23 I am the third generation in my family
24 to work in the coal industry. We have a company

1 called Fairchild International, and we manufacture
2 mining equipment.

3 I am here today to show my support for
4 coal, and I would like to say that I agree with the
5 opinion of most of the people who have come before me
6 on the importance of coal to this state.

7 I don't really see how anybody can say
8 that it is not vital to the success of this state,
9 and for the people to be able to live here.

10 It is an industry that -- like I said,
11 it is essential.

12 I would like to touch a little bit on
13 something that a lot of people can't, that have
14 spoken before me, I am just coming into the
15 industry.

16 I graduated college about two years ago,
17 and I was faced with a very important decision, I
18 either had to move away from the state where I was
19 born and raised and loved, to try to find a job so
20 that I could have a successful life, or I could go to
21 work with my family, and support the coal industry.

22 What it came down to was, I wanted to
23 stay here. There is nowhere else that I want to be.
24 Nowhere that I would feel like I would be as happy as

1 I am here.

2 I just hope that coal can do good, and
3 can thrive, and we can all be prosperous.

4 I have a lot of friends who would like
5 to have a situation similar to what I have, and have
6 the choice of whether or not to stay, or leave this
7 state.

8 Unfortunately, they don't, and I am
9 losing friends and family all the time, so that they
10 can go off and find work and move away.

11 I think that is really sad because the
12 people in this state, and from this state, who are
13 living in other places, are truly great people, and I
14 feel honored to know them, and I am really upset that
15 I have to say good-bye to them.

16 Of course, there are visits, but visits
17 just isn't the same.

18 So I am just asking that instead of
19 trying to do away with the coal industry, or do
20 things to hold it down, I think everybody should
21 focus their attention on working out ways that pretty
22 much we can coincide. We can have our streams and
23 rivers, and enjoy all that. It is a great part of
24 the state that most of us love. And at the same

10-1-2

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1 time, we can mine the coal and we can all live
2 together happily.
3 Thank you.
4 MR. CHAIRMAN: Andy Ashurst.
5 Then the next speaker will be
6 Lee Barker.
7 MR. ASHURST: Hello. My name is Andy
8 Ashurst.
9 I am from Williamson, West Virginia.
10 I am married, have a son two years old,
11 John. I have heard a lot of people talk that they
12 were born and raised here.
13 I am a little bit opposite. I am going
14 to say it, I was born in Brooklyn, New York. And I
15 moved to Pennsylvania when I was a teenager.
16 In Bethlehem, Pennsylvania, was
17 Bethlehem Steel, Mac Truck, a lot of heavy industry.
18 In high school, I would have loved to
19 have stayed in Pennsylvania. But due to regulations
20 and the KFA on air standards, Bethlehem Steel
21 basically shut down their plant in Bethlehem.
22 I was forced to look for another
23 alternative for a job, going to college, and I picked
24 coal miner.

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1 I am proud to be a coal miner. And I
2 have been doing it for 15 years. It moved me away
3 from my parents. I have lived away from parents for
4 15 years now. I don't want my son, who was born in
5 West Virginia -- he is going to be born and raised in
6 West Virginia.
7 Moved out to Illinois, my first job,
8 after that year working, I was laid off due to EPA,
9 again, on air standards. We were in high sulphur
10 coal, we were shut down. We don't need to be over
11 regulated any more than what we are, and that is
12 where we are going.
13 Thank you.
14 MR. CHAIRMAN: Lee Barker.
15 The next speaker will be Gail Resdon.
16 MS. RESDON: I would like to pass.
17 MR. CHAIRMAN: You are not going to
18 speak? Okay.
19 The next speaker will be, Larry Keith.
20 MR. BARKER: Hello, ladies and
21 gentlemen, distinguished members of the panel.
22 My name is Lee Barker. I am a direct
23 descendant of one of the first settlers of Boone
24 County, and I still live there with my wife, and two

1-12

1 children.

2 When I got old enough and growing up and
3 became old enough, I had to make a decision on what
4 choice of career I would have.

5 My decision came down to this: I wanted
6 to stay in that county, I wanted to stay in West
7 Virginia; therefore, my only decision was to work for
8 the coal industry. So I went to school to become a
9 mining engineer.

10 Yes, that's right, I design those valley
11 fields, and those impoundments, and stuff like that,
12 that everybody is worried about.

13 I can tell you one thing, the way I
14 design them, and the way we are required to design
15 them, nobody has a problem.

16 But I want to talk a little bit about
17 Boone County. That is where I grew up, that is what
18 I know.

19 Boone County was the place where coal
20 was first discovered by James Peter Sally. They've
21 been mining coal shortly thereafter, ever since. So
22 it has been a long time. It has been over 100
23 years.

24 I have heard people say that we have 100

13-3-2

1 years of coal left in this United States to mine, we
2 don't have that long in Boone County. We have been
3 mining for a long time already.

4 So, therefore, we do need these
5 mountaintop removals, and the flat lands that they
6 create, so that we can have future jobs for my sons,
7 and daughters, and hopefully, my grandchildren.

8 Also we need, on these mountaintop
9 removals, everybody says, Well, let's just make the
10 coal companies put something up there. That is not
11 their job, their job is to mine coal.

12 It is people like me, and people who
13 live Boone County's job to get other industries in
14 there and we have a place to put them.

15 I also would like to see wildlife
16 habitat reinstated of high-and use for reclaimed
17 mountain land.

18 I like to hunt and fish. I also would
19 like to see regulations made where that we could
20 leave ponds, and small impoundments like that in
21 place, for recreation use in wildlife habitat.

22 Right now, we are required to remove
23 them.

24 And Boone County, could use just about

10-3-2

1-8

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1 as much flat land as possible.

2 Here I have heard a lot of talk about
3 flooding and here is a simple fact: Boone County
4 consists of rugged terrain, mostly it is considered
5 steep hillsides, and small narrow valleys, which
6 inevitably; that is the flood plain.

7 That is just the way it is. That is
8 just the way God made it, and we got to live with
9 it.

10 Well, we're smart. We can do things, we
11 can put mountains, and we can make flat land up out
12 of the flood plains.

13 One thing I would like to say is, the
14 other thing is the stream quality.

15 Well there has been a lot of issues
16 involved that have been about stream quality, and I
17 am not that old, but I'm old enough to remember Big
18 Coal River being pretty much choked with sediment,
19 but since all the regulations, the mining industry is
20 living by -- and we are doing a wonderful job -- that
21 is no longer the case.

22 Due to what the mining industry is doing
23 today, the river is probably -- it is starting to be
24 classified as a high-quality stream, which it

17-1-2

5-5-2

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1 wouldn't have been before.

2 Also, there are other streams and rivers
3 in Boone County, where we were able to stock trout.

4 That is the result of the mining,
5 People, that is not because of the natural
6 environment of the trout, they could have never lived
7 there before.

8 We've been talking about everything is a
9 joke. I'll tell you what I think the joke is, I
10 think a joke is when outside environmental groups
11 come around and tell me, and other fellow people that
12 live in that community, what is the best for us.

13 Thank you.

14 MR. CHAIRMAN: Larry Keith.

15 The next speaker after Mr. Keith will be
16 Robert Wilkerson.

17 MR. KEITH: I am Larry Keith, and I am
18 from Hazard, Kentucky.

19 I have been employed in the engineering
20 profession for 26 years, and have been involved in
21 the mining industry during that time.

22 What I would like to take a look at is
23 the impact of mining on our communities and towns in
24 the coal fields.

5-5-2

10-2-2

1 First, mining provides jobs. It also
2 produces flat usable land out of the flood plains,
3 sometimes in which coal-fill areas are not blessed
4 with.

5 For instance, approximately one-square
6 mile area surrounding the Hazard, Appalachian
7 Regional Medical Center; there are five apartment
8 complexes, 104 dwellings, 28 medical and healthcare
9 facilities, including the ARH Professional Office
10 Building, the ARH Psychiatric Center, and the
11 University of Kentucky Center for rural health, which
12 is currently being constructed on reclaimed mine
13 area.

14 There are also 89 businesses, including
15 Days Inn, Winn-Dixie, Food City, Applebee's, just to
16 name a few.

17 Six churches also got the landscape.
18 City, Federal, and State agencies also use flat
19 surface mined areas to construct their building.

20 The so-called devastated areas, have
21 also left behind golf courses, the cypress trees and
22 goose ponds, grazing fields for elk and deer, and the
23 list goes on.

24 As for polluting the waterways, the

10-3-2

1 mining industry has been placed under such strict
2 regulations, to meet the affluent standards set forth
3 by these laws, I can attest firsthand, that in
4 monitoring discharge from ponds and active surface
5 mine sites and reclaimed jobs throughout eastern
6 Kentucky, the water is clean.

7 About a month ago, a biologist from the
8 Northern Kentucky University, was doing a study, what
9 he called a "bug count" at one of the pond sites that
10 I was monitoring.

11 We were standing at the discharge pipe
12 for this pond, and he made the remark that in his
13 findings, throughout the eastern Kentucky area, that
14 the water coming out of these ponds, was
15 substantially cleaner than any water, in any open
16 channels in Louisville, Kentucky.

17 Now what does that say for the mining
18 industry?

19 In leaving Hazard today to come over
20 here, I passed a construction site for a new Walmart
21 center. On this site, I surveyed the area, which I
22 determined to have 24,000 tons of coal, which had to
23 be destroyed and disposed of.

24 But through the coal regulations, and

5-5-2

90

1 the company doing the work, could not sell this coal
2 and donate it to needy charities in the area, but
3 could give away 25 tons.

4 Now what does this say for the
5 regulations?

6 Thank you.

7 MR. CHAIRMAN: Robert Wilkerson.

8 After Mr. Wilkerson speaks, we are going
9 take another five minute break, and when that
10 happens, I will tell you who the next two speakers
11 will be.

12 MR. WILKERSON: Good evening.

13 My name is Robert Wilkerson, and I live
14 in Princeton, West Virginia, with my wife, two
15 children of six that we raised in West Virginia.

16 After high school, I moved to
17 Washington, D.C., in 1961, simply because of a lack
18 of employment opportunities at that time.

19 After nine years in Washington, I
20 realized that I wanted to live a different and
21 slower-paced environment.

22 I began my mining career in 1978,
23 working as a general inside laborer, operating
24 various machinery, and not underground, and then

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1 after three years I got my mining certificate for
2 mine foreman.

3 I am currently employed with a
4 landholding company as a mine inspector.

5 How important is mining to our
6 livelihood?

7 In 33 years, the average coal miner had
8 the potential to earn between \$959,000, and
9 \$1.5 million, depending on the job duties, or your
10 willingness to work.

11 A family of four, would contribute
12 \$200,000 in Federal taxes, \$60,000 in West Virginia
13 State taxes, and \$90,000 in FICA taxes.

14 Between 1995, and 1999, 5,798 mining
15 jobs were lost in West Virginia.

16 If you use the average rate of \$50,000
17 per year, per miner, per employee, you multiply that
18 times 5,798 jobs -- that is just for those four
19 years -- we have lost -- West Virginia has lost
20 \$299,000,000 in wages. And that doesn't account for
21 the other taxes it paid.

22 How important is mining to your
23 community?

24 I recently spoke to a small convenience

11-4-2

1 operator in Mingo County, West Virginia, who has a
2 store close to the Marrowbone Development that
3 recently closed down.

4 He told me that the one family owner of
5 this store is losing \$200 per day in sales, and this
6 is just one store. And you can multiply that over
7 the industry.

8 I think one of the things that is
9 interesting is that we can use the West Virginia
10 Office of Miners' Health & Safety Training Coal Tax
11 Sheet -- you can find it on their website page -- and
12 it is interesting some of the comments that they have
13 here.

14 The taxes paid by the coal industry,
15 using West Virginia coal, accounts for over
16 two-thirds, or over 60 percent of business taxes paid
17 in this state.

18 The coal industry pays approximately
19 \$70 million in personal property taxes. Coal
20 severance, \$100 million in West Virginia economy for
21 this year. \$24 million of coal severance taxes
22 collected each year, goes directly into the
23 Infrastructure Bond Fund.

24 The coal industry's payroll is nearly

11-4-5

1 \$2 billion a year. Coal is responsible for more than
2 \$12 billion annually in overall economic impact.

3 These are some of the facts that comes
4 from West Virginia's agencies.

5 Also, I think we need to realize that we
6 are all biased. I am biased, and some of the other
7 people are biased, as well, who have stood up on this
8 platform.

9 I am biased based on my life
10 experiences. I am biased based on my background, or
11 my upbringing, as you well, please.

12 I was raised in the strong
13 Judeo-Christian belief system, believing that the
14 creator should be worshiped and not creation.

15 In Genesis 126 through -31, God gives
16 man the right and the responsibilities, to subdue
17 creation, including all living creatures.

18 Let me explain, I enjoy God's creation.
19 I enjoy what I see in West Virginia, and I really
20 believe that the beauty of West Virginia is probably
21 just as great as any other state.

22 It appears that the environmentalists
23 have placed creation above and before the creator,
24 Genesis 125.

11-4-5

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1 I see great strides being accomplished
2 in the methods of safe removal of mountaintop
3 operations.

4 Operators are satisfying the role of
5 good stewardship.

6 In the past years, the regulatory
7 agencies, demanded that the materials placed in
8 valley fills were on slopes, and be compacted in
9 order to control erosion. Erosion, of course, we
10 know can't be controlled by compacting material.

11 Through information, and studies done by
12 West Virginia University and Virginia Tech, they have
13 now found that if you leave the material there very
14 loose, that it will actually absorb the ground water
15 as it falls. That is common sense.

16 In the midst of our bias, we must find
17 common ground and be responsible and accountable to
18 our states and community, and at the same time,
19 provide jobs to enjoy the benefits of living in West
20 Virginia.

21 This is common ground. This common
22 ground cannot be reached, when we continue to see the
23 exodus of our young children.

24 MR. CHAIRMAN: You need to wrap up.

13-2-2

95

1 MR. WILKERSON: -- leaving West Virginia
2 and finding employment in other states.

3 Thank you very much.

4 MR. CHAIRMAN: Okay. We are going to
5 take a five-minute break.

6 The next two speakers will be
7 Fitz Steele and Luke McCarty.

8 Also, remember if you do wish to speak,
9 you need to sign up at the registration table out
10 front.

11 Thank you.

12 (Break.)

13 MR. STEELE: My name is Fitz Steele. I
14 am from Hazard, Kentucky.

15 I have been a coal miner for 20 years.
16 I am also a treasurer for the Hazard/Perry County
17 Industrial Board.

18 I am also on the board of the Pride
19 Board for Perry County.

20 I'm vice president of the Buckhorn Lake
21 Bowler's Association.

22 I am a strong supporter of mountaintop
23 removal for my family and my community.

24 Where I live, we would not have nothing

1-11

1 if it was not for the coal industry. Our local
2 hospital, doctors' offices, high school, hotels,
3 restaurants, several small businesses, large
4 businesses, Wayne Supply, a C&A dealer, our Coal
5 Field Industrial Park, and airport, are also built on
6 hollow fills.

7 Hollow fills make it possible for our
8 region to attract new businesses. Without the level
9 land to build and create better living conditions,
10 what would we have? We wouldn't have nothing.

11 We would be dependant on the government
12 to take care of us, and coal miners don't want that.
13 We are a proud, hardworking group of Americans that
14 go to work every day, to provide for their families
15 and communities. We do not want to be dependent on
16 no one.

17 Also, I would like the definition of a
18 stream. I would like to see a stream be called a
19 stream, and a run-off ditch, be called a run-off
20 ditch.

21 Coal was formed through the
22 (inaudible) broadening of a swamp many years ago that
23 area was level, each seam started when all that was
24 (inaudible) seen was a swamp. Silt came in, covered

10-3-2

5-7-3

1 the swamp, it started all over again.

2 As far as caring for the environment, we
3 do.

4 We have over 300 head of cattle on our
5 property, over 20 head of horses, many deers, turkey,
6 coyotes, and we have some elk that wonder by, we have
7 some black bears, also.

8 Every spring in eastern Kentucky, we
9 have a thing -- we have a committee called Pride.
10 Every spring we have a Pride cleanup.

11 This year 50 people went 23.4 tenths
12 miles, cleaning both sides of Highway 28. We got 531
13 bags of garbage.

14 The following week, I was in the creeks,
15 digging up under old appliances, dodging copperheads,
16 rattlesnakes.

17 On our side of the hill, we have the
18 Kentuckians for the Commonwealth. In Perry County, I
19 did not see one Kentucky for the Commonwealth helping
20 us clean it up.

21 Also, Tuesday night, we had this same
22 hearing in our new Hal Roger's Center, and off to the
23 right where you all were sitting, after the hearing
24 was over, we picked up their water bottles, and their

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1 Diet Pepsi bottles after that.

2 We are, at least, out there cleaning up
3 after generations before us, and cleaning up after
4 our current ones. We do get out and clean up our
5 backyard, we don't just talk about it.

6 Now, there is a river, it is called
7 Nenana River, that drains around The Denali National
8 Park, where Mount McKinley is, and it is a
9 glacier-fed river.

10 A glacial river is very silty. It
11 doesn't have very much aquatic life in it. I talked
12 to a ranger up in Alaska before I came in here, and
13 it is a fish called a burbot, which is something like
14 our catfish.

15 Then on the salmon, if they can make it
16 all the way up the stream and spawn then they do, but
17 also they die out.

18 As far as alternative sources of energy,
19 we have solar, we have nuclear power. You know, that
20 is real safe, what is going to happen when a
21 terrorists hits one of our nuclear plants; how many
22 will die?

23 Then we have natural gas. We don't even
24 produce enough natural gas to meet our needs.

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1 Now, next month, August 17th,
2 St. Petersburg, Florida, one of our energy
3 committees, they are going to sit down, they are
4 going to chat with the Russians. They are going to
5 try to cut a deal with Russia to buy natural gas off
6 of them to supply us for power.

7 We already have that power, it is called
8 the Middle East.

9 Coal is here. We have it to supply
10 power to our country. I would much rather have my
11 trust and faith in a bunch of coal miners, than
12 people from the Middle East or Russia, to help and
13 depend on them to meet our energy needs.

14 I do have an Environmental Leadership
15 Award, because I get out and clean it up. And my
16 company does take care of the environment.

17 MR. CHAIRMAN: Luke McCarty.

18 The next speaker will be William
19 Runson, Jr.

20 MR. McCARTY: My name is Luke McCarty.
21 I have been a coal miner for 38 years. I have been a
22 union official, safety mine committee.

23 I also own a home that has -- within the
24 next two, to three years, will have approximately 7-

1 to 9,500 acres of strip-mined land within four miles
2 of my house draining into the river that goes by my
3 house.

4 I am not here to speak on behalf of the
5 strip miners, or the environmentalists. I am here
6 for my family.

7 I am not going to try to convince you
8 people to stop mountaintop removal, it ain't going to
9 happen. It ain't going to happen.

10 I am not stupid enough to think that
11 you, or anybody else is going to stop it.

12 What I would like for you to do is
13 regulate it.

14 What do you mean, Mr. McCarty, regulate
15 it? It is regulated to death.

16 Well, I had some pictures here that I
17 was wanting to show you all, but the way the forum is
18 here, I can't do it.

19 Now, I am going to try to explain it to
20 you.

21 Now we have a strip mine in the head of
22 this hollow. We cut a ditch, and put rock in it,
23 shot rock, maybe as big as this podium here, half as
24 big, or as big as this podium.

1 All right. We make that ditch 16-feet
2 wide, 4-feet deep. Now every fork, just about, will
3 have one of these in it.

4 They dump into a hollow that has a
5 capacity to carry a stream about three- to four-feet
6 wide, about six inches deep is what it usually runs.

7 Now why is this ditch this big?

8 We are getting rid of our water. That
9 is what it is.

10 Now my problem is, this goes down the
11 hollow, hits the base of the hollow, we have what we
12 call sediment ponds.

13 Okay, Mr. McCarty, our sediment pond is
14 going to take care of everything.

15 No, sir, your sediment pond does not
16 take care of one drop of water. If any stuff washes
17 off that fill, it catches it into the sediment pond.

18 That sediment pond runs full all the
19 time.

20 I have three or four pictures here
21 showing you that they run full all the time, and
22 there is water running over off the spillway.

23 So if it rains, if they have 500 acres
24 uncovered up there, or 300, or 15 -- all the water

5-8-2

1 off that, hits your spillway, comes down the hollow,
2 over the dam, and right on down to us, and whoever
3 lives below it.

4 What I would like is for that water to
5 be contained, and let loose slowly off of their
6 property, so that me, and the other people that lives
7 below me, can survive.

8 Other than that, it is the dust that is
9 created.

10 Whenever you go on a job that they know
11 you are coming, I guarantee you that you will be able
12 to see just like you can in this room.

13 But when you are not there, Brother,
14 listen, you better wear you a mask.

15 And a lot of these fellows, when they
16 get my age, are going to have what I have, only they
17 probably have brown lung, instead of black lung.

18 Now I don't think that anybody besides
19 me in this room, believes that strip mining is going
20 to be stopped.

21 There is not very many people in this
22 room old enough to remember the 1969 Health and
23 Safety Act.

24 What did I hear? I worked in the mines

5-8-2

15-1-2

1 in 1968, do you know what I heard? This is going to
2 shut mining down.

3 Lookie here, I am here 34 years later,
4 and I am still kicking, and I'm still working in the
5 coal mines.

6 Somebody was wrong.

7 Like I said, I am not here to stop strip
8 mining, it ain't going to happen. You know it, I
9 know it, and the people in this room know it.

10 It ain't going to happen.

11 But you do need to take care of the
12 people that lives in the area of the mines.

13 They say, well, now you had this big
14 rain, and strip mining had nothing to do with it.

15 Don't get me wrong, Brother, logging has a big part
16 in this. Logging has a major part in what is going
17 on, but we are not here about logging -- we are going
18 to let it slide.

19 Now we talked about coal mining, we are
20 all going to give our jobs to our kids. Since I have
21 been in the coal mines, we have lost jobs every
22 year. We lost them the year before last, we lost
23 them last year, we are going to lose them next year.

24 Why? It ain't because the report you

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1 write; it is going to be because we have got bigger
2 machinery, and we got western coal to contend with,
3 that is what is killing coal mining.
4 It is slowly, slowly, dying.
5 But how much protection are you going to
6 give us until it is finished?
7 I have heard the word of God spoken here
8 two or three times.
9 One quick quote, The name of God -- the
10 same God we all worship -- said in a book called
11 Revelations, that he will bring ruin to those who
12 ruin the earth.
13 So we all have to answer to what part we
14 had in damaging this earth while we was here.
15 MR. CHAIRMAN: William Runzon.
16 The next speaker will be Benny Dixon.
17 MR. RUNZON: My name is
18 William Runzon, Jr.
19 I am a lifetime resident of southern
20 West Virginia.
21 I am an employee of Arch of West
22 Virginia.
23 I am proud to be an employee of Arch of
24 West Virginia. I am here today of my own choosing.

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1 My company afforded me the opportunity, but I am not
2 here to speak on behalf of Arch of West Virginia, as
3 a whole, I want to speak for myself, and my family,
4 and the relatives, and the family and friends that
5 live around where I do.
6 Our lifetime has been in the coal
7 industry, and our desire to work and earn a living
8 for our family.
9 I heard a statement earlier today that
10 really kind of offended me, talking about false
11 prosperity.
12 The coal industry has been good for me
13 and my family, my ancestors, and also those around me
14 that live in our community.
15 Not only do I work for a surface mine
16 operation, but my house is located just a few hundred
17 feet from a competing coal company, who is doing a
18 surface mine operation -- from my house.
19 They are very good neighbors.
20 I keep hearing about the problems with
21 water, and flooding, and those types of issues; I
22 live beside a stream, I live beside the Pope Creek,
23 (phonetic) at Campus, West Virginia. I have to say
24 that operation also is a good neighbor.

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1 I would just make an appeal to this body
2 today that you would hear the voice of the small
3 people, the people that live in the areas that are
4 doing this mining.

5 I heard people speak that were from
6 Elkins, and people that lived in Huntington. But I
7 live in the region where I work, and I want to tell
8 you that I want to continue to live there. I want to
9 continue to work there. I don't see any other
10 opportunity for us in that region but to mine coal,
11 and I am proud of the company that I work for, and I
12 think that they do a good job at mining.

13 I thank for the opportunity to speak
14 today.

15 Thank you.

16 MR. CHAIRMAN: Benny Dixon.

17 Then the next speaker will be
18 Mike Comer.

19 MR. DIXON: My name is Benny Dixon.

20 I live here in Charleston,
21 West Virginia.

22 I work in Logan County.

23 I work for Arch Coal.

24 I am proud to say that I have worked for

11-1-2

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1 30 years in the coal industry, and I don't believe
2 that could have chosen a better industry to work in
3 than the coal industry.

4 We are a responsible industry. We take
5 care of the environment.

6 About 30 years ago, I was asked to
7 defend this country, and I did that with honor and
8 I am a proud American.

9 Today, I am still a proud American, and
10 I will defend it, this job, and this environment,
11 against anybody who wants to take away my ability to
12 make a job my livelihood.

13 I grew up in eastern Kentucky.

14 When I was boy, I hunted and fished. I
15 was 17-years old before I ever saw a deer.

16 I was almost 25-years old before I saw a
17 wild turkey.

18 Today, everywhere you go, you got to be
19 careful driving down the road that you don't run into
20 one.

21 The best place to deer hunt in Kentucky
22 and West Virginia, is on strip-mined land.

23 We have elk in eastern Kentucky today.

24 It has not been there for 100 years. They live on

7-2-2

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1 the "sterile" strip land, it is not fit for anything
2 else.

3 Imagine that.

4 What do they live on? They live on
5 grass, trees, that our coal companies have planted.

6 With all that being said, it sounds like
7 a pretty good place to live to me.

8 To some of the groups before us, they
9 keep bringing God into this. I love God, and I
10 respect God, but I believe God puts coal in these
11 mountains for me to mine, to make a living.

12 The people that want to take it away, I
13 don't have much for them. And I defend my right.

14 Some of the groups before us that spoke
15 about the recent floods. I watched it on national
16 TV, the FedEx truck washing through downtown
17 Charleston. I don't believe I saw a strip mine
18 anywhere close. Can anybody tell me where it's at?
19 Where the run-off from this strip mine flooded
20 downtown Charleston, over near the airport?

21 I drove around there the other day.
22 I saw a house that was washed off its foundation, not
23 too far from where I live, but I don't hear no
24 blasting, I don't see no run-off from no strip mine.

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1 God rained on Charleston,

2 West Virginia, not Arch Coal, not Massey.

3 So I would ask you panel members:

4 Protect my ability to make a living in West
5 Virginia. I think it is a God-given right, and I
6 will defend it against anybody who wants to take it
7 away from me.

8 Thank you.

9 MR. CHAIRMAN: Mike Comer.

10 Then the next speaker will be Nelson
11 Jones.

12 MR. COMER: Good afternoon. It is a
13 pleasure to be here this afternoon.

14 My name is Mike Comer. I am from
15 Charleston, West Virginia, but I was born and raised
16 down in Bluefield, West Virginia, Mercer County,
17 southern West Virginia.

18 The same time my grandfather -- both my
19 grandfathers -- were railroad engineers, hauled
20 coal.

21 My father was a salesman for a
22 distributor in southern West Virginia, and traveled
23 the coal fields all of his life. Many times during
24 the summer, I would travel with him.

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1 I can say that I was educated in West
2 Virginia, and I choose to live in West Virginia.
3 At the same time, from what I have been
4 able to see, coal has been a great friend to
5 West Virginia.
6 Through the contributions back to the
7 communities, through the payrolls, through taxes
8 paid.
9 At the same time, now I am associated
10 with United Bank. United Bank is the largest
11 independent bank in West Virginia. We have got
12 \$3 billion assets in West Virginia, and about 1,000
13 employees.
14 At the same time, we are dependant upon
15 the West Virginia economy. The West Virginia economy
16 is dependent upon coal, both directly through taxes,
17 and indirectly through payroll.
18 Our customers mine coal. Our customers
19 are people who work in the mines, our customers are
20 also businesses that mine coal.
21 At the same time, we have to represent
22 other customers that have supported, and depended,
23 and served those businesses directly in the coal
24 industry.

11-4-2

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1 Coal is important to the part of the
2 quality of life for our families throughout
3 West Virginia.
4 Coal is important to our future; coal is
5 vital for West Virginia.
6 I am happy to say that I am a friend of
7 coal.
8 MR. CHAIRMAN: Nelson Jones.
9 The next speaker will be Bob Gates.
10 MR. JONES: Good afternoon.
11 Thank you for the opportunity to speak
12 here. I will be brief.
13 I think the group preceding me, has done
14 an outstanding job of presenting our case.
15 I have lived in Charleston all my life.
16 Our company has been in the coal business for four
17 generations.
18 I think we have been a responsible
19 employer. Our payroll today, primarily in marine
20 transportation of coal, exceeds \$16 million annually.
21 Without coal production in
22 West Virginia, it will diminish our company. There
23 is no place for our employees to go. There is not
24 any government jobs for them here, there are no jobs

10-4-2

11-1-2

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1 in the chemical industry. Those are the only jobs
 2 that pay any money in West Virginia.
 3 The chemical industry, the government,
 4 and the coal industry. There is just one industry
 5 left that offers a future for our employees, please
 6 think of that as we are deciding what course our
 7 regulation will take.
 8 You know, we used to attend the
 9 Mississippi Valley Coal Exporters' Conference in New
 10 Orleans, to talk about the export of coal going
 11 overseas. There isn't any anymore.
 12 What we are hearing about, is the
 13 imported coal coming into this country. The more
 14 regulation we place upon coal production here, the
 15 less coal we produce, the more we import.
 16 That is bad for all of us.
 17 We need to do a better job in all that
 18 we do, but please offer us the opportunity to work,
 19 to continue to raise our families here, to make this
 20 state great.
 21 For over 40 years, I have attended and
 22 participated in events in this auditorium. This
 23 auditorium was paid for, in large part, by the
 24 employers in this area. Most of those are gone now,

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1 but please let the rest of us continue to work.
 2 Thank you.
 3 MR. CHAIRMAN: Thank you.
 4 Our next speaker will be Corky Griffith.
 5 MR. GATES: I am Bob Gates.
 6 I live in Charleston.
 7 My daughter was born in Logan County.
 8 As a filmmaker, I have gone down to the
 9 flooded areas and talked with coal-field residents,
 10 discussed with them, and asked them where they
 11 thought these incredible flash floods came from, and
 12 what they thought the causes were.
 13 Scrabble Creek, Seng Creek, Bulgher
 14 Hollow at Dorothy, White Oak Creek, walls of water
 15 came down those streams.
 16 I have, not only talked to the
 17 residents, I have looked at the mines, I have gone
 18 over the mines, those walls of water came from
 19 mountaintop removal/valley fills.
 20 Not to mention the Lyburn disaster a
 21 year ago.
 22 Between mountaintop removal in southern
 23 West Virginia, and steep-sloped timbering, 47
 24 communities have been destroyed, or damaged; 12,000

17-1-2

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1 homes and businesses, destroyed and damaged.

2 MR. CHAIRMAN: Corky Griffith.

3 The next speaker is Ed Painter.

4 MR. GRIFFITH: Thank you for the
5 opportunity. Thank you, guys.

6 I am a football coach, that recently
7 took a job with MRS out of Halden, West Virginia,
8 public relations for them, and the coal industry.

9 I call on approximately 50 different
10 mines in one month. I go around and I see them all.
11 I have not seen any that are not trying their best to
12 take care of the environment.

13 I am not a coal miner. I am a football
14 coach. Now the reason they hired me was because I
15 know those guys. I know guys at Arch, I know guys at
16 Massey, and I know guys at Peabody, Kanawha River
17 Terminals, I know those people.

18 And everywhere I go, they are taking
19 care of the environment. And I know because bears are
20 running over me. I was out at Milford the other day,
21 and two bears run over me getting to a garbage can.

22 I was up in Clay County, where I grew
23 up.

24 Which I should have told you where I

7-2-2

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1 grew up. I grew up in Clay County, in a small mining
2 community named Widen.

3 I am 64-years old. When I was 10, they
4 timbered that place, the creek ran black. You
5 couldn't swim in it. Today, the timber is back, it
6 is this big around, (indicating), 50-year growth.

7 The stream is clean and running with trout, all
8 because the coal company went up there and cleaned it
9 up.

10 They made that place beautiful again.

11 It is amazing how nature can refurbish a
12 countryside. With the coal people's help and nature,
13 it can be done.

14 You know, I would also write stories for
15 the Charleston Daily Mail about old high schools that
16 have disappeared.

17 In the last 50 years, the State of West
18 Virginia, because our kids have to leave, we have
19 lost 151 high schools.

20 Damn. That is a lot of people; 151.

21 And I am writing about them, and I am up
22 to 15. And the reason I am doing it is I want those
23 old towns to start getting redone.

24 You are saying, this is about coal.

5-5-2

10-1-2

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1 these places are gone because it is about coal. It
2 is about jobs.
3 And anytime you get a chance to get up
4 in front of this many people and say something, and
5 nobody is not going to let you talk, you need to take
6 a chance of doing it.
7 Because I see old Hunter over there --
8 I had him in Civics in 1969, at Ripley High School,
9 and he has turned out to be quite a gentleman, and
10 nice-looking guy over there.
11 You guys need to help us with
12 Workers' Comp.
13 Don't forget it. Workers' Comp is our
14 enemy.
15 Another thing I want to tell you is
16 this: I talked to all the coal owners, the biggest
17 thing that they are worried about is over regulation,
18 and Workmans' Comp.
19 Out of those 50 mines that I have talked
20 to, half of them, 25, are talking about shutting down
21 because of over regulation, and because of Workmans'
22 Comp.
23 Don't be the enemy, you guys.
24 I have got a question for you: How many

1-12

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1 of you all on the panel have ever worked in the coal
2 industry?
3 Would you raise your hand?
4 MR. CHAIRMAN: Again, I remind you, the
5 panel does not answer questions.
6 MR. GRIFFITH: Oh, I'm sorry.
7 I didn't really mean it.
8 The other thing is this: If I am going
9 to coach football, and I need to know something, I am
10 going to see Don Nehlen.
11 If I am going to mine coal, I want to
12 talk to a coal miner; they know.
13 These guys that are getting up here that
14 are coal miners know, that you don't go get a lawyer
15 to have a good football team, you go get another good
16 coach.
17 Talk to the miners.
18 Talk to owners.
19 They know what is going on.
20 Thank you very much.
21 MR. CHAIRMAN: Ed Painter.
22 Then the next speaker will be Warren
23 Hilton.
24 MR. PAINTER: Hello. My name is Ed

1 Painter and I live in Hurricane, West Virginia.
 2 I have three daughters, and a son. Two
 3 of my daughters are attending Marshall University.
 4 And as many of you know, college is very expensive,
 5 even at a State-supported university.
 6 I am a graduate of West Virginia
 7 University, and I have worked for Walker Machinery,
 8 Caterpillar dealer in this area for 27 years since
 9 graduation.
 10 One of our major markets, is the selling
 11 of Caterpillar earth-moving equipment to the coal,
 12 and surface mining industry.
 13 Walker Machinery employs nearly 600
 14 people. And a strong coal industry is necessary for
 15 our company, because it enables our company to
 16 provide 600 high-paying jobs, for some very highly
 17 skilled people that support our equipment in the
 18 mining industry.
 19 You hear over and over in the press that
 20 mining employment is down, and yes, direct mining
 21 employment is down. But what you don't hear, is that
 22 a lot of those jobs -- many of those jobs, are not
 23 directly done by the coal industry to support their
 24 operations, are now done by the companies that offer

11-1-2

11-1-2

1 vendor services to the mining industry. And we are
 2 one of those companies.
 3 I am the oldest of three boys. My
 4 mother is a retired schoolteacher, and my father is a
 5 retired steelworker. My brothers and I all graduated
 6 from State-supported universities.
 7 Upon graduation, I was the only one that
 8 found employment in this state, and without the
 9 mining industry, and my company's role in supporting
 10 that industry, I would have had to have left the
 11 state, also.
 12 Because of the mining, I have been able
 13 to accomplish what most of us wish to accomplish in
 14 our lives; own a home, raise a family, send your
 15 children to college.
 16 I hope to continue to be able to do
 17 that.
 18 I know that many of you marvel, just as
 19 I do, at the retail growth at Corridor G. I have
 20 often wondered where the people and the money comes
 21 from to support that level of growth.
 22 Well, I don't think that it is coming
 23 from the number of manufacturing jobs that we may
 24 have been able to attract to this state in the last

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1 decade, it comes from mining wages, and the companies
2 that support that industry.

3 Thank you.

4 MR. CHAIRMAN: Warren Hilton.

5 MR. HILTON: Thank you, gentleman, for
6 your time today, and ma'am.

7 Two ma'ams, I didn't see you.

8 Thank you all for coming out today.

9 My name is Warren Hilton.

10 I am from Beckley, West Virginia.

11 I am a very strict environmentalist.

12 I see an awful lot of mouths drop, at
13 that point.

14 I do appreciate very much the people
15 that have spoken here today, the environmental people
16 that have come out and spoken what they feel.

17 I also appreciate these coal miners that
18 have come out today.

19 I will give you just a little bit of
20 history, my company, my family, was involved in the
21 coal business since the early 30's.

22 We had over 1,000 people working in
23 different kinds of businesses, such as farming,
24 cattle business, the real estate business,

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1 convenience stores, hotels, timber business, sporting
2 good, hardware store, horse business, construction
3 business, and excavation business, and yes, also, we
4 do a little mining.

5 Since Jay Rockefeller introduced the
6 Reach Back Bill in 1992, Federal regulations -- over
7 regulations -- of the mining industry, have taken us
8 from 1,000 employees, some of which worked for me
9 that are sitting out in this room today -- quite a
10 few of them -- we're down to 33.

11 All I ask you people to do is use a
12 little common sense. We have 105 State and Federal
13 regulatory agencies looking after mining.

14 What we need is two, or three more, the
15 environmentalists will get their way, we can move our
16 kids out of here, we can quit worrying about security
17 for our kids and our jobs.

18 We just want a place for our kids to
19 work. We want some kind of security, some kind of
20 thing like you gentlemen have -- and ladies.

21 You have a little security in your
22 futures and what you are doing. That is all we are
23 asking for.

24 Today is a good day. You are listening

11-1-2

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1 to us, and I want to give you just a slight bit of
2 history.
3 There was an Admiral, in the Japanese
4 Navy named, Yamamoto.
5 He was the guy on the flagship that
6 bombed Pearl Harbor. He said -- after he finished on
7 Pearl Harbor Day -- we have awoken a sleeping giant.
8 I thank the environmentalists today for
9 being out here, but I think you mostly for waking the
10 sleeping giant.
11 Thank you.
12 MR. CHAIRMAN: That was actually the
13 last card I had for speakers.
14 We do have about 15 minutes before this
15 evening session was planned to end.
16 Does anyone else wish to speak now, or
17 would you rather wait for the evening session?
18 (No response.)
19 MR. CHAIRMAN: I would like to thank you
20 everyone for coming out this afternoon.
21 Again, I will remind you that we are
22 having another session this evening from 7 to 11.
23 The doors will open at 6:15, for
24 registration.

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1 Thanks again, and have a good afternoon.
2 (Hearing adjourns.)
3

1 STATE OF WEST VIRGINIA, To-wit:

2 I, Michele G. Hankins, a Notary Public and
3 Court Reporter within and for the State aforesaid, do
4 hereby certify that the testimony of said hearing was
5 taken by me and before me at the time and place
6 specified in the caption hereof.

7 I do further certify that said hearing was
8 correctly taken by me in stenotype notes, that the
9 same was accurately transcribed out in full and
10 reduced to typewriting, and that said transcript is a
11 true record of the testimony.

12 I further certify that I am neither attorney
13 or counsel for, nor related to or employed by, any of
14 the parties to the action in which these proceedings
15 were had, and further I am not a relative or employee
16 of any attorney or counsel employed by the parties
17 hereto or financially interested in the action.

18 My commission expires the 29th day of December
19 2003.

20 Given under my hand and seal this 29th day of
21 August 2003.

22

23 Michele G. Hankins
24 Notary Public
Court Reporter

West Virginia Evening Session

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PUBLIC HEARING
Draft Programmatic EIS
Mountaintop Mining/Valley Fills in Appalachian
Charleston, West Virginia
July 24, 2003

Evening Session: 7-11

2

1 APPEARANCES:

2 Mark A. Taylor, Chairman, US Army Corps of Engineers
3 Jeff Coker, Office of Surface Mining
4 Mitch Snow, U.S. Fish & Wildlife Service
5 Russell Hunter, WV Dept. of Environmental Protection
6 William J. Hoffman, US-EPA
7 Katherine Trott, U.S. Army Corps of Engineers

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15 The Corps of Engineers, U.S.

16 Environmental Protection Agency, U.S. Fish and

17 Wildlife Service, U.S. Office of Surface Mining, and

18 West Virginia Department of Environmental Protection,

19 joint public meeting was held at 7:00 p.m.,

20 July 24, 2003, at the Charleston Civic Center,

21 Charleston, West Virginia before Michele G. Hankins,

22 Court Reporter.

23

24

5

1 P R O C E E D I N G S

2 MR. CHAIRMAN: Good evening.

3 I would like to welcome you here to the

4 public hearing on the draft Mountaintop Mining

5 Programmatic Environmental Impact Statement.

6 We will begin with some general

7 information about the facilities here.

8 This is a non-smoking facility. We ask

9 that you go outside the building to smoke.

10 Please note the location of the

11 emergency exits. In the event of an emergency,

12 proceed in an orderly fashion as quickly as possible

13 to the nearest exits from the building.

14 The restrooms for the facility are

15 located out the back doors here; to the left, and

16 then to the left again.

17 Approximately every hour, or so, during

18 the course of the hearing, we will call for a

19 five-minute comfort break.

20 Hopefully, this will provide sufficient

21 opportunity for everyone to take a break, and no one

22 will need miss what is said here today.

23 As you entered the forum, you had to

24 have noticed the registration table. We hope that

1 everyone registered as you came in.

2 If by some chance you didn't, we ask
3 that you take a moment to register before you leave.
4 People will no doubt be coming and going throughout
5 the hearing, and this is the only way that we have to
6 get a reasonable, accurate idea of the public
7 participation at these hearings.

8 Even more importantly, if you came here
9 today with the intent of speaking at the hearing, you
10 must complete a registration card.

11 If you plan to speak and haven't already
12 registered, please go back and register as a speaker
13 now.

14 If there is anyone who cannot come up on
15 the podium to speak, please motion for me, and I will
16 be sitting here at the table and I will bring a
17 wireless microphone down to the front of the stage.

18 Let us all be courteous to the speakers
19 by turning off our cell-phone ringers, and be
20 respectful of the speakers, regardless of their point
21 of view.

22 Everyone's point of view is important,
23 and in fairness to all points of view, please respect
24 each speaker up here this evening.

1 With that said, let's move to a more
2 substantial part of the public hearing.

3 As you may well know, as part of the
4 December 1998, Settlement Agreement, the agencies
5 represented here on stage today, agreed to
6 participate in the preparation of a Programmatic
7 Environmental Impact Statement, on the impact of
8 mountaintop mining and their associated valley fills.

9 The purpose of this Programmatic EIS, as
10 specified in the settlement agreement, was:

11 ". . . to consider developing agency
12 policies, guidance, and coordinated agency
13 decision-making processes to minimize, to the maximum
14 extent practicable, the adverse environmental effects
15 to waters of the United States, and to fish and
16 wildlife resources, affected by mountaintop mining
17 operations, and to environmental resources that could
18 be affected by the size and locations of excess spoil
19 disposal sites in valley fills."

20 In the time period since the settlement
21 agreement, the agencies have diligently worked on the
22 EIS. The agencies' efforts accumulated in the
23 development and release of this draft EIS document
24 for public review on May 29th.

1 The usual review period for a draft EIS
2 is 45 days.

3 However, recognizing the widespread
4 interest in the document, and the need to provide
5 additional time for the public work their way through
6 the complexities of its content, we have extended the
7 time frame for review and comment.

8 A 90-days public review period, and
9 comment period, will close at the end of business on
10 August 29, 2003.

11 This is the second of two public
12 hearings in association with the development of this
13 document.

14 The purpose of these hearings is to hear
15 your comments on the draft EIS.

16 We cannot respond to your comments
17 during the hearing.

18 Your comments will be transcribed, and
19 we will respond to them in writing as part of the
20 final EIS.

21 We are here today to listen to you. To
22 hear what you have to say relevant to the continued
23 development of the EIS document.

24 We recognize that many organizations,

1 and individuals, want to comment. So we have
2 structured these sessions to offer as many as
3 possible the opportunity to do so.

4 This session runs from 7 to 11 p.m.,
5 this evening. So we may be sure that we have
6 provided everyone who may choose to speak an
7 opportunity to do so, we must limit your speaking
8 time to five minutes.

9 Some of you may have more comments than
10 can be addressed in five minutes.

11 If so, you are encouraged to submit
12 these additional thoughts and comments in writing.

13 You do not need to speak here tonight to
14 submit comments.

15 You may submit written comments to
16 Mr. John Forren, U.S. EPA, 1650 Arch Street,
17 Philadelphia, Pennsylvania, 19103, through the close
18 of the comment period, on August 29, 2003.

19 This address is located on the flyer
20 that you received at the registration table.

21 We have also provided a comment box at
22 the registration table.

23 If you choose to, you may place your
24 written comments on the draft EIS, in that box, and

10

1 we will see that they are considered, along with the
2 other written and oral comment.

3 As we continue with today's public
4 hearing, we would like to take a few minutes to make
5 you aware of some of the ground rules for this
6 hearing, and describe how we intend to proceed.

7 As indicated on the sign-in into
8 building, for safety reasons, and so that all of the
9 participants can see at the public hearing, we have
10 asked that everyone please refrain from bringing in,
11 or displaying signs, banners, or posters, into the
12 building.

13 We ask that you please be courteous as
14 others are speaking, and refrain from expressions of
15 support, or opposition, to comments a speaker is
16 making.

17 One of the things that I noticed, when
18 you applaud for a speaker, in the earlier sessions
19 today, you take away from their time, let's please
20 not do that.

21 As we proceed through the hearing, if
22 you have a need, for whatever reason, to reference
23 the draft EIS, or appendices, copies of these
24 documents are available for reference in the foyer,

11

1 entrance way.

2 Also, if you did not already receive a
3 CD version of the draft EIS document, a limited
4 number of CD's of the draft document are available at
5 the reference table at a first-come, first-serve
6 basis.

7 If we run out, and you would like to
8 receive a copy of the CD, you may also leave your
9 name, and address, with the person at the reference
10 desk, and a CD of the draft document will be mailed
11 to you.

12 As previously stated, in order to speak
13 at this hearing, you must register at the
14 registration desk in the foyer, or the entrance way
15 indicating your desire to speak.

16 If you did not come here intending to
17 speak, but change your mind during the course of the
18 hearing, you, too, must register at the registration
19 desk.

20 Our planned five-minute comfort break,
21 approximately every hour, should provide an
22 opportunity for you to register to speak, if you
23 haven't already done so.

24 You may not register to speak, and then

1 give any portion of your speaking time to anyone
2 else.

3 If you speak, and do not take the full
4 five minutes allotted, we will proceed with the next
5 speaker on the list.

6 No one person may speak more than once.
7 We will be calling out the names of those people who
8 signed up to speak in the order of which we received
9 them.

10 I will announce each person, as well as
11 the next name.

12 In order to keep things moving as
13 efficiently as possible, as a speaker is coming up on
14 the podium to speak, the next person to speak is
15 asked to move towards the podium, and sit here at the
16 bottom of the stairs.

17 Again, you must limit your comments to
18 no more than five minutes.

19 At the four-minute mark, we will hold up
20 a card indicating that you have one minute remaining,
21 so that you can begin winding up your comments.

22 In fairness to everyone who wishes to
23 speak, when we hold up the card indicating that your
24 time has expired, please end your comments.

1 If you have more comments, or just want
2 to submit written comments, you may place them in the
3 box at the registration table that was provided for
4 receiving written comments, or mail them to the
5 previously identified EPA Philadelphia address.

6 Again, all comments will be transcribed.

7 We ask those that are speaking to please
8 speak clearly, loudly enough to be heard, and be
9 mindful of the fact that the transcriber is trying to
10 catch everything you are saying.

11 Also, please direct the microphone
12 towards you, it is kind of directional, so please do
13 that, each person that comes up.

14 If the transcriber is having difficulty
15 hearing, or understanding what you are saying, they
16 may stop you, and ask you to speak up or repeat what
17 you have said.

18 We ask that you begin speaking by
19 clearly stating your first and last names, and
20 indicating the community, and state that you are
21 from.

22 When transcribed, the oral comments and
23 written comments will be incorporated into a Comment
24 Summary Document, and will be a part of the final EIS

14

1 document.
2 All comments will be considered in
3 development of the final EIS document.
4 Copies of the Comment Summary Document
5 will be available upon request in association with
6 the publication of the final EIS document.
7 Again, I would like to emphasize that we
8 all be courteous to the speakers.
9 The first speaker tonight is
10 Mary Ellen O'Farrell.
11 The second speaker will be
12 Chris Hamilton.
13 If you all would like to come on
14 forward.
15 While they are doing that, I will ask
16 that each of the agency representatives up here at
17 the table to please introduce themselves.
18 MR. COKER: I am Jeff Coker with the
19 Office of Surface Planning.
20 MR. SNOW: Mitch Snow. U.S. Fish &
21 Wildlife Service.
22 MR. HUNTER: I am Russ Hunter with the
23 West Virginia Department of Environmental Protection.
24 MR. HOFFMAN: I am Bill Hoffman, with

15

1 the Environmental Protection Agency.
2 MS. TROTT: Catherine Trott, with the
3 Corps of Engineers.
4 MR. CHAIRMAN: Thank you.
5 MS. O'FARRELL: Good evening.
6 My name is Mary Ellen O'Farrell.
7 I have lived almost all my life here in
8 Charleston. I am a native West Virginia.
9 This year, I am the President of West
10 Virginia Environment Council, and I consider myself
11 an environmental extremist.
12 I cannot claim to represent the points
13 of view of everyone in the Environmental Council, but
14 I think the ideas that I will present, are certainly
15 understood by the membership of the Environment
16 Council.
17 I think the most silent fact about
18 mountaintop removal mining, as it is practiced in our
19 state, is that in our state alone -- according to
20 current practices -- over 900 miles of mountain
21 streams and waters have been destroyed.
22 This is morally indefensible.
23 Coal mines do not have the right to
24 squander the future of our children.

5-7-2

16

1 Our children and grandchildren will
2 depend on these waters for health, for beauty, for
3 recreation, and perhaps for life itself.
4 In the Middle East, people are murdering
5 each other over water rights.
6 In the western states, in our country,
7 people are in court over water rights.
8 This is only going to get worse.
9 God has blessed our state richly with
10 abundant waters.
11 What will we say to our children when
12 they ask us why we allowed this squandering to take
13 place? We can say, Honey, I'm sorry, but the Coal
14 Association said that it just had to be this way.
15 Or maybe we could answer, Yes, it is a
16 shame, but Massey said that it would be so much
17 harder to do it any other way.
18 Mountaintop removal mining, as it is
19 currently practiced in our state, is obscene. It is
20 a blasphemous sacrilegious offense against this world
21 that God has made.
22 Thank you very much for these five
23 minutes.
24 MR. CHAIRMAN: Chris Hamilton.

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1 And then after Mr. Hamilton,
2 Scott Gollwitzer.
3 MR. HAMILTON: Good evening.
4 I am Chris Hamilton. Vice President of
5 the West Virginia Coal Association.
6 Lifelong resident of West Virginia, and
7 I currently live in Charleston here.
8 I speak to you tonight to urge the
9 adoption and implementation of Alternative 3, which
10 contemplates a mine permitting process, which is
11 based on the idea that all proposed mining permits
12 are considered Nationwide Permit 21.
13 Central to this alternative approach,
14 the overall permitting responsibility, rests with the
15 state's SMRCA agency. This is the best possible
16 strategy, to maximize efficiencies among government
17 agencies, and within the mine permitting process
18 itself.
19 We maintain that matters involving
20 administrative control, accountability, and
21 consistency, are also optimized through this
22 approach.
23 Furthermore, the alternative benefits,
24 for all parties involved, being government, citizens'

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1 groups, coal miners, alike, here in West Virginia.

2 Before proceeding further with my
3 specific remarks, I would like to first of all
4 compliment all four Federal agencies, and the State
5 agency, for a job well done.

6 In large measure, due to your diligence
7 and professional approach with this comprehensive
8 study, we now have a document before us that provides
9 the needed scientific evidence, and regulatory
10 justification to assure that West Virginia's coal
11 industry, will remain a viable part of the country,
12 and the world's energy mix.

13 The EIS, as drafted, will also assure
14 that thousands of West Virginia coal miners are
15 earning a living here, put their children through
16 school, food on the table, and continue to work and
17 live in our mountain state.

18 Incidentally, they also hunt, and fish,
19 and enjoy all of the recreational benefits that we
20 have.

21 We support the draft EIS. We believe it
22 embraces current regulatory, and compliance
23 programming.

24 It clearly upholds existing extraction

1 technologies, and recognizes that they're minimal and
2 temporary impacts can be adequately addressed.

3 Finally, it recognizes that you can
4 develop your energy-rich resources and tourism
5 industries, while maintaining a high level of
6 environmental laws.

7 Under the third alternative, which we
8 advocate, the program and agency best qualified and
9 situated to review and issue mining permits, would
10 finally be empowered to do so.

11 The State's SMRCA authority, has the
12 expertise to train personnel, and most importantly,
13 the practical, on-the-ground knowledge of mining in
14 West Virginia, that qualify them as the most logical
15 agency to lead the permitting process.

16 Under Alternative 3, these attributes
17 are finally quantified by Federal agencies, realizing
18 that West Virginians are best suited to make
19 decisions that affect the future environmental state,
20 as well as the state of the local statewide economies
21 here in West Virginia.

22 In fact, the only real difference that
23 we ascertained between Alternative 2, which tends
24 to -- at least it appears for them to say -- be the

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20

1 government's preferred outcome -- and Alternative 3,
2 which the coal industry is advocating, is the
3 consolidation of permitting authority under the
4 State's SMRCA agency.

5 All of the environmental process
6 benefits, such as fill minimization, the development
7 of reforestation guidelines, enhanced flooding
8 evaluation procedures, will continue, if Alternative
9 3, is implemented.

10 If one considers the technical
11 complexity of this SMRCA permit application, and
12 regulatory review in conjunction with the findings of
13 the EIS, implementation of Alternative 3, is clearly
14 the logical conclusion.

15 The SMRCA process in and of itself, is
16 one of the most detailed and complex environmental
17 regulatory reviews in existence.

18 The State of West Virginia has added
19 details and complex rules to its mine regulatory
20 program, that clearly exceeds corresponding mining
21 Federal regulations, or any other approved program
22 found in any other place, or any other jurisdiction.

23 More detailed data collection and
24 analysis is required of the mine applicant of West

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1 Virginia.

2 Clearly, we have the most complex
3 determination process that exists anywhere in the
4 nation.

5 We have equally demanding requirements
6 with respect to flood control, post-mine land use,
7 valley fill construction, bond-release applications,
8 and many other areas and aspects of State law that
9 are too numerous to mention.

10 The state-issued SMRCA permit,
11 especially as administered in West Virginia, is so
12 detailed and full of environmental analysis, that it
13 clearly is the equivalent of an individual Section
14 404 permit.

15 In closing, I would just like to say --

16 AUDIENCE MEMBER: Your time is up.

17 MR. HAMILTON: Choose the third
18 alternative.

19 Thank you.

20 MR. CHAIRMAN: Mr. Scott Gollwitzer.

21 The next speaker will be Larry Emerson.

22 Larry Emerson.

23 MR. GOLLWITZER: Can you hear me?

24 It is a rhetorical question actually

12-1-1

1 because you never listen.

2 My name is Scott Gollwitzer.

3 Where I am from is irrelevant. I am a

4 citizen of this country, and this is a public

5 meeting, and I am going to speak.

6 Looking at you, it is great to see five

7 agencies, four Federal and one State agency.

8 You are not separate, though, you are

9 the same. We have a term for that that is building

10 in the environmental community, it is called the

11 ammendustry.

12 This refers to the inexplicable ties

13 between the Bush Administration and his campaign

14 contributors.

15 I just wanted to thank you, and bring

16 that to your attention.

17 I am not here tonight to critique the

18 EIS. It is not my function here tonight. Nor am I

19 here to discuss the various human rights violations

20 and devastating environmental impacts of mountaintop

21 removal.

22 People who are going to speak after me,

23 will share those thoughts with you and I ask you to

24 listen to them.

1 Tonight I am here to remind you each on

2 the panel of what your responsibilities are.

3 To do this, let me begin by reminding

4 you of what your responsibilities are not.

5 You are not here to do the bidding of

6 the ammendustries, nor are you West Virginia's

7 Economic Development Commission.

8 We heard lots of talk this afternoon

9 about the economic impacts of your polices; that is

10 not your function.

11 It is not to dismiss, on my part, the

12 economic problems in West Virginia. I am not here to

13 do that, I feel for the gentleman who spoke earlier

14 about EPA putting him out of work several times.

15 I would have to say that because of my

16 employment -- and that is as an attorney for an

17 environment group -- the EPA is keeping me employed

18 by the same token.

19 I wish they would stop.

20 So back to reminding you of what you are

21 supposed to be doing.

22 You are each charged under very unique

23 environmental laws with protecting human health, and

24 the environment, period.

24

1 That is what you are charged to do.
2 As you listen to these folks articulate
3 their stories of devastation and human rights
4 violations, and injustices, I ask each of you to
5 reassess your current role in keeping these
6 injustices upon these people, and destroying the
7 environment upon which they depend, and the
8 environment in which they live.
9 Please do all that you can tonight, and
10 in the future to end this eco-terrorist act.
11 Thank you.
12 MR. CHAIRMAN: Larry Emerson.
13 E-M-E-R-S-O-N.
14 MR. EMERSON: That would be me.
15 MR. CHAIRMAN: The next speaker will be
16 Bill, I am going to spell it, G-O-R-Z.
17 MR. EMERSON: Thank you.
18 My name is Larry Emerson.
19 I live in the Charleston area.
20 I am the Director of Environmental
21 Performance for Arch Coal, Inc., the second largest
22 producer of steam coal in the country.
23 I have worked in the coal mining
24 industry for nearly 25 years, most of that time has

25

1 been working directly on reclamation reforestation
2 and habitat restoration projects, primarily in the
3 southern part of the state.
4 I would like to make four specific
5 points related to the terrestrial components of the
6 EIS.
7 The EIS correctly points out what we, in
8 the regulated community, have understood for several
9 years, and that is that the existing SMRCA
10 revegetation rule, were developed primarily to
11 control erosion, and less so for successful tree
12 growth.
13 The emphasis on erosion control is now
14 changing and new methods are being developed to meet
15 the challenge of soil compaction, and composition,
16 competition with nervous cover, and other issues,
17 that directly influenced successful tree growth.
18 The coal industry is committed to
19 effective and practical methods of improving
20 reforestation success.
21 As evidenced by many privately funded
22 research and demonstration projects currently
23 underway.
24 For example, the National Mine Land

7-5-2

1 Reclamation Center in Morgantown, in cooperation with
 2 Cantennary Coal, and Arch Coal, is currently
 3 conducting field demonstrations to develop
 4 cost-effective methods of utilizing various soil
 5 horizons, and native-tree species, to establish
 6 productive forests on reclaimed sites.

7 However, the agencies, and the public,
 8 must understand that there are some landowners who
 9 wish to have other land uses for their property after
 10 the mining is complete.

11 Landowners wishes must be given some
 12 difference.

13 To the extent that landowners desire
 14 forest land on the reclaimed property, the industry
 15 stands ready to help develop the rules and
 16 techniques, that will achieve that objective.

17 Point two: One of the studies in the
 18 EIS examine tree succession on reclaimed sites, by
 19 counting the number of stems within measured sections
 20 of reclaimed sites.

21 The results of the study concluded that
 22 tree succession was limited to areas immediately
 23 adjacent to undisturbed woodlands. However, there is
 24 a significant short-coming in the study design as

7-5-2

1 indicated in Appendix E, and I quote:

2 "The mine area studied was not designed,
 3 engineered, reclaimed, or revegetated with the
 4 post-mining land use of forestry, commercial or
 5 otherwise."

6 Therefore, the conclusions drawn from
 7 this study might be tempered with the fact of sites
 8 examined were never intended to be forest land.

9 So my question is whether this really is
 10 an objective study design.

11 Point number three: In September 1996,
 12 the U.S. Fish and Wildlife Service concluded formal
 13 consultation with OSM, pursuant to Section 7 of the
 14 Endangered Species Act, of mountaintop mining
 15 operations in the studied area.

16 This programmatic consultation led to
 17 the issuance by the Fish and Wildlife Service of a
 18 biological opinion and conference report, that found
 19 surface coal mining and reclamation operations,
 20 inducted in accordance with properly implemented
 21 State and Federal regulatory programs under SMRCA,
 22 would not likely jeopardize the continued existence
 23 of the listed, or proposed species, or result in the
 24 adverse modification of designated, or proposed

7-5-2

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1 critical habitat.
 2 We understand that the EPA is currently
 3 in the process of writing a biological assessment,
 4 relative to the preferred alternative in the EIS.
 5 The industry encourages the EPA to
 6 develop this biological assessment consistent with
 7 the Service's opinion, and allow public comment on
 8 this document before implementing it in their
 9 enter-agency coordination efforts.
 10 Point four: Ron Canterbury, a scientist
 11 at the Southern West Virginia Bird Research
 12 Institute, has done significant long-term research on
 13 migratory neo-tropical birds in the studied area,
 14 particularly in the southern West Virginia coal
 15 fields.
 16 In fact, \$4 million in experts, have
 17 indicated that his research represents the most
 18 comprehensive information of this geographic area.
 19 Dr. Canterbury's work has shown no
 20 worthy increases in some, or more, species, in and
 21 around older mine sites. In part, because of the
 22 early successional nature of vegetation.
 23 In short, the panel should take a broad
 24 view of the migratory bird issues and consider that

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1 reclaimed sites play an important role in some
 2 species.
 3 In summary, the industry supports
 4 Alternative 3, and I thank you.
 5 MR. CHAIRMAN: First off, I want to
 6 apologize beforehand before I butcher too many
 7 people's names. I will do the best I can on them.
 8 Bill Gorz?
 9 MR. GORZ: Gorz.
 10 MR. CHAIRMAN: Okay, thank you.
 11 Then the next speaker will be
 12 Nick Carter, or Carver?
 13 MR. GORZ: Good afternoon.
 14 My name is Bill Gorz.
 15 I am from Asheville, North Carolina,
 16 western North Carolina.
 17 The reason that I am here today so far
 18 away from my home, is that this is not a local
 19 issue.
 20 The fact is, mountaintop removal is not
 21 limited to West Virginia, and it is spreading all
 22 over the southern appalachians, particularly into
 23 Kentucky, and Tennessee.
 24 Where it affects people that live in my

1-4

1 area.
 2 Pollutions from the Tennessee Valley
 3 Authority of East Tennessee Coal Plan, is killing the
 4 Smokey Mountain National Park.

5 The American Lung Association has
 6 determined that over 6,000 people a year, died from
 7 pollution-related respiratory disorders in western
 8 North Carolina alone.

9 I am very sure that sort of specific is
 10 not limited to the western North Carolina area.

11 A large portion of those 6,000 deaths
 12 can be directly attributed to obsolete coal plants.

13 Recently, the Tennessee Valley Authority
 14 announced that because of their new anti-pollution
 15 technology, which they had to put in because the EPA
 16 sued them, and they were facing large fines, more
 17 than any of you here make every year, every day,
 18 because of the pollution.

19 They put in new anti-pollution
 20 technology, we all thought that was going to be
 21 great, but then they decided that they could use
 22 cheap high-sulphur coal from the Cumberland Plateau
 23 and that wouldn't overcome the pollution limits.

24 So instead of lowering pollution, and

1 lowering those 6,000 deaths a year, they are opting
 2 instead to increase their profits.

3 We have to wonder why Federal agencies
 4 would be interested in their profits. They are not
 5 in the profit-making industry.

6 Certainly, the coal industry is all
 7 about profits.

8 They know about the American Lung
 9 Association's statistics. They don't care about
 10 people, they just care about profits.

11 Again, the reason why I am here, and
 12 what this has to do right here and now, is that if we
 13 allow this project to go forward, it will just
 14 encourage the industry to expand to other areas.

15 I was rather surprised -- I guess I
 16 shouldn't have been surprised -- that on the EIS
 17 there was no option for no mountaintop removal, which
 18 there should be, in my opinion.

19 There has been lots of talk about jobs,
 20 with little thought, or no thought given to what the
 21 social costs of what those jobs are.

22 Pimps and crack dealers provide jobs
 23 too, but we generally oppose those jobs because of
 24 the social costs.

32

1 Let's think about the social costs of
2 the jobs that are provided.
3 Thank you.
4 MR. CHAIRMAN: Nick Carter.
5 The next speaker will be John Snider.
6 MR. CARTER: My name is Nick Carter.
7 I am president and chief operating
8 officer of Natural Resource Partners.
9 I live and work in the Huntington,
10 Tri-State area. We are a publically mastered limited
11 corporation that owns and manages coal and timber
12 products.
13 I also serve as the president of the
14 National Council of Coal Resource, which is a trade
15 association for companies like mine.
16 The EIS seems to assume, without
17 detailed analysis, that coal companies that permit
18 and mine coal have the ability to control and utilize
19 the properties after mining is completed.
20 This assumption is incorrect.
21 In only a small percentage of cases do
22 coal companies that mine the minerals own the land
23 that it mines.
24 In nearly all cases, the coal company

19-3-2

33

1 leases the mineral from a company like ours, or from
2 a family, or from heirs to the property.
3 These leases give the mining company the
4 right to occupy the land for the purpose of the
5 lease, which is the extraction of the mine.
6 Many of these leases expire
7 automatically when the mineral has been mined.
8 An additional problem, what does not
9 seem to have been considered by the EIS, is that most
10 of the land where the mineral is being mined, is not
11 controlled by only one owner.
12 For example, in many -- maybe most
13 cases, the owner of the mineral does not own the
14 surface, may not own the oil and gas, and even if it
15 owned the surface, may not own the timber, or the
16 trees that are growing on the property.
17 Most mines today are not on a single
18 property owner, and the company has leases from
19 various owners. They may have as many as 30 to 50
20 leases to make up one mining block.
21 Additionally, the mining company must
22 reach agreement under the law, with all of the
23 surface owners above the mineral that they mine.
24 This may be many different -- many more different

19-3-2

1 owners.

2 The actual mineral owners consist of
3 corporations, partnerships and individuals who have
4 amassed their mineral holdings of areas over a long
5 period of time, some dating back to the 19th century.

6 If the type of land-use planning and
7 post-mining land use, that the EIS recommends is to
8 be accomplished, then it will require the
9 participation of the mineral owners, and most
10 importantly, the surface owners, in addition to the
11 coal company.

12 The problem with the post-mining land
13 use planning that most people want, is that it
14 requires the landowner to be able to project,
15 sometimes two or more decades into the future what
16 the market potential will be for a particular
17 property.

18 Because we do not have a crystal ball,
19 these predictions are inherently risky and difficult.

20 In fact, they are so risky, that one
21 would question the business judgment of someone who
22 spent huge sums of money necessary to develop a piece
23 of property today, for a use many years in the
24 future, not knowing whether the demand will be there

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1 for that use.

2 Coal companies engaged in surface mining
3 can, with the consent of the surface owner, do a
4 variety of things on the surface in the course of
5 mining.

6 If a particular parcel is located on a
7 major highway, or near a large population center,
8 then the chances are high that there will be a
9 significant potential for commercial development.

10 This suggests that the land should be
11 mined with a variance to ALC.

12 In addition, if major infrastructure in
13 the form of electric utilities, substations, power
14 lines, roads, and septic systems are located on the
15 land to support the mining, we should think carefully
16 why this infrastructure should be removed, as the law
17 requires, in the course of reclamation.

18 On the other hand, if the mine site is
19 remote from commercial centers, as most mines are, it
20 makes more sense to adopt a reclamation plan that
21 minimizes future erosions, reduces the potential for
22 downstream flooding, and creates a diverse habitat
23 for animals and plants.

24 In conclusion, it is unwise, both

10-3-2

19-3-5

36

1 economically and environmentally, to insist on a
2 one-size-fits-all approach to post-mining land use.
3 We should observe three principals,
4 respecting the preferences of the owners of the
5 surface in selecting post-mining uses, incorporating
6 into the permitting process, a flexibility to modify
7 post-mining land uses after mining has commenced, and
8 relying on the marketplace to guide these decisions
9 as opposed to a bureaucracy that has never built a
10 development, or created a job.

11 MR. CHAIRMAN: Sir, your time is up.

12 MR. CARTER: Thank you.

13 MR. CHAIRMAN: John Snider.

14 Again, the next speaker will be Kent
15 DesRosier.

16 MR. SNIDER: Good evening.

17 My name is John R. Snider.

18 For the past two years, I have been
19 employed as the Vice President of External Affairs,
20 Eastern Operations, Arch Coal.

21 Prior to that, I had worked for four
22 years in the West Virginia Development Office, the
23 last two serving as Executive Director.

24 I have over 25 years of experience in

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37

1 the field of economic development in the state of
2 West Virginia, and northern and central appalachian
3 coal fields.

4 During my time with the Development
5 Office, I assisted with developing the rules for the
6 West Virginia Coal Field Development Office, and
7 assisted in funding of several post-mine land-use
8 projects.

9 I am a certified economic developer.

10 Today I am speaking on behalf of the Coal
11 Association.

12 I would like to discuss for a few
13 minutes the Gannett Flemming document "Final Case
14 Studies Report on Demographic Changes Related to
15 Mountaintop Mining Operation," long name, but short
16 topic once you get to it.

17 It offers some interesting conclusions
18 which relate to a lot of economies in transition.

19 It is a report that really could have
20 been taken and located anyplace in the United States
21 during the same time frame.

22 West Virginia, as a whole, like many
23 other areas of the country, has been going through
24 transition. That transition has expired in many ways

10-1-2

1 over that time frame, in showing us changing from
2 heavy manufacturing and mining, to service jobs, a
3 reduction in job pay, reduction in employment, a
4 reduction in population.

5 Gannett Fleming made several assumptions
6 based upon census tracks, not necessarily on areas of
7 employment, or other items. Long gone are the days
8 where the miner worked in the same town, or census
9 track, where the mine is.

10 Miners travel, miners are paid very well
11 today.

12 Stop and think: Do you live and work in
13 the same census track, or the same area?

14 Gannett Fleming's report was basically
15 on 50 and 100 houses in one census track, not a very
16 large community.

17 No matter how you look at it, it is not
18 a good example of what should be talked about. This
19 study only includes the economic impact of that small
20 area. Whether it be the mine itself, or what happens
21 post mining.

22 Several other issues must be looked at
23 in a different light when you review this report, and
24 what is happening in today's time frame.

10-1-2

1 One: The population of West Virginia is
2 declining. It also is declining in the six
3 communities, or six census tracks shown in the
4 report; no surprise.

5 Two: The United States population has
6 for several years been changing from an
7 industrial-based economy, to a service-oriented
8 economy, no real surprise to anyone that understands
9 the economy of West Virginia.

10 During the time of this work, we saw
11 many of our high-paying industrial jobs go offshore.

12 We have seen, and continued to see, a
13 coal production shift in central Appalachia, to the
14 Tygart River Valley.

15 As we discuss coal production today, we
16 are seeing that shift go offshore. We are receiving
17 more coal every day from foreign sources, very
18 similar to what is happening in oil.

19 Three: As our country changes from
20 industrial service, we are seeing many of our fine
21 employees being left behind.

22 West Virginia has traditionally been a
23 heavy industrial state, which included at its heart,
24 the production of glass, steel, chemicals, timbering

10-1-2

40

1 and mining.

2 West Virginia has been impacted
3 negatively more than any other area in the country,
4 because of its lack of diversity of its economy.

5 Many of our industries and mines have
6 closed over the past few years.

7 For the average, West Virginians have
8 aged these past few years. We are the oldest group
9 of people in the United States; we are the oldest
10 state.

11 Consequently, our school-age population
12 has fallen.

13 Very few areas in West Virginia are
14 gaining population, and the 14 counties in this area
15 are no different.

16 Did Gannett Fleming tell us anything
17 when he wrote this report, or did he take it off the
18 shelf? I think he took it off the shelf.

19 Overall, Gannett Fleming did a fair job
20 describing what was transpiring in those six
21 counties, as well as across West Virginia, but this
22 is something that could have been done anyplace.

23 What we really need is the capability to
24 transform flat properties into future diversified

11-2-2

10-1-2

41

1 economy for southern West Virginia.

2 We have to be able to have legitimate
3 post-mine land-use properties available. This report
4 has to allow that, and we believe that Alternative 3
5 will allow that to happen.

6 Thank you, very much.

7 MR. CHAIRMAN: Kent DesRocher.

8 The next speaker is Randall Maggard.

9 MR. DesROCHER: My name is Kent
10 DesRocher, mine President and General Manager of Arch
11 of West Virginia, located near Yolyn, West Virginia.

12 I worked in the mining industry for 19
13 years, and then in the southern Appalachian area for
14 approximately 10 years. I reside in Chapmanville.

15 I would like to make some remarks
16 regarding post-mine land use.

17 Over the past several years, coal
18 companies have begun to help diversify the economy of
19 the 14 coal-field counties.

20 Through the development of post-mine
21 land sites, including such diverse projects as
22 industrial parks, golf courses, racetracks,
23 recreational areas, commercial fish facilities,
24 housing and public facilities, additional jobs are

1-4

10-3-2

1 being provided for our neighbors until then.

2 With the assistance of the West Virginia
3 Coal Field Development Office, we are now even more
4 capable to plan for the diversification of the
5 economy in the coal fields.

6 All 14 counties have suffered in the
7 lack of transportation and developable acres for many
8 years.

9 The transportation routes are all
10 improving with the upgrading of US-119 and Interstate
11 77, coupled with Interstate 64 and 79.

12 Through the development of the King Coal
13 Highway, and the Coal Field Expressway, will further
14 increase development opportunities.

15 The mountainous terrain in 14 counties
16 is also slowed growth in the area. Industrial,
17 commercial, and housing sites have been at a premium.

18 The development of flats, and gently
19 rolling sites, will assist in the growth and
20 stability of the area.

21 Charles Yule, of West Virginia
22 University, lists six provisions for new land uses,
23 and land-use opportunities.

24 Mr. Yule indicates that most potential

10-3-2

1 future mountaintop mining areas will be reclaimed to
2 various forest covering.

3 The current rules relating to commercial
4 forestry, must be reviewed to allow for a highest
5 fuel assessment.

6 The rules must also be reviewed with
7 respect to compaction, competition, and composition
8 of soils.

9 Recent studies would indicate that the
10 best method has not yet been proposed to provide the
11 best opportunities for commercial forrestries.

12 Much discussing has occurred over the
13 past several years, regarding post-mine management
14 for agriculture, such as vineyards, animal
15 production, greenhouse farming and agriculture.

16 Most of the sites where agriculture has
17 been proposed, has not occupied the entire site, and
18 approval of multiple uses will be required.

19 For example, let's say that the primary
20 post-mine land is used as a vineyard, which would
21 occupy 50 percent of the property.

22 But since this is an agricultural
23 project, this is a higher and better use, the
24 remaining portion of the property, must be allowed to

19-2-2

1 be developed into support areas, pasture land, or
2 habitat, which would not compete with the primary
3 higher use.

4 The study projects a significant acreage
5 of land suitable for developing post-mining land
6 uses, will result from future mining under all of the
7 mining scenarios.

8 The only way that the 14 counties can
9 significantly change the economy of the area, is the
10 development of large sites capable of supporting
11 multiple uses.

12 Mine scenarios that produced many acres
13 of flat to gently rolling land areas, can provide the
14 opportunity to diversify and improve the economy of
15 southern West Virginia.

16 Mr. Yule is correct when he states that
17 development limitations, such as poor accessibility
18 and infrastructure proximates will continue in nearly
19 all of these areas.

20 These issues will require the
21 development agencies and the environmental agencies
22 to think out of the box.

23 Such issues of the use of mitigation
24 famous for water and sewer projects, should be

10-3-2

1 considered if there is a desire by the involved
2 parties to redevelop and diversify the area.

3 Smaller sites, less than 50 acres, will
4 do little to diversify the economy of the 14
5 counties.

6 The environmental regulatory agencies,
7 must work closely with planning and development
8 agencies, when considering post-mine land use.

9 Here again, in order to allow for
10 diversity and stabilization of the economy,
11 regulatory agencies must think outside the box.

12 Higher and better use, must be site
13 specific, based on many items normally associated in
14 the planning documents.

15 If you want 14 counties discussed in the
16 study to diversify their economy, they must be
17 allowed to create land suitable for development.

18 The site must be of sufficient size to
19 make it worthwhile to provide the necessary
20 infrastructure required for development.

21 With the event of a responsible
22 Environmental Impact Statement, and a desire by the
23 Federal and State regulatory agencies, to provide for
24 affordable energy, while providing sites for future

10-3-2

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1 economic transformation in the 14 counties, we can
2 provide a positive outcome to the citizens of West
3 Virginia.

4 In summary, large-scale surface mining
5 can help support the development of infrastructure --

6 AUDIENCE MEMBER: Time.

7 MR. DesROCHER: -- access, and sites
8 necessary for future development to allow for
9 diversification of the economy here in West
10 Virginia.

11 Thank you.

12 MR. CHAIRMAN: Randall Maggard.

13 Then the next speaker then will be
14 Michael Morrison.

15 I can keep time, thank you.

16 AUDIENCE MEMBER: How about hearing from
17 some citizens?

18 MR. CHAIRMAN: Go ahead, sir.

19 MR. MAGGARD: Hello. My name is Randall
20 Maggard, from Dunlow, West Virginia.

21 I am the manager of Environmental
22 Compliance for Argus Energy, a mining company located
23 in southern Wayne County, West Virginia.

24 We have operated on a reserve base of

| 10-3-2

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1 approximately 60,000 acres, or about 100-square miles
2 since 1987.

3 We have disturbed only approximately
4 3,000 acres, a mere five percent of our complex. But
5 since that time, we have mined over a billion dollars
6 worth of coal, and provided good-paying jobs for over
7 250 miners and contractors.

8 Now our jobs are at risk.

9 The permitting quagmire created by
10 frivolous lawsuits, and court judgments have created
11 indefinite delays, and such unpredictability to
12 sustain a viable mining operation.

13 We cannot get permits issued.

14 When the EIS was first considered, I
15 think the regulatory agencies first thought it would
16 be simple. The streams below valley fills and our
17 mining operations would totally be void of aquatic
18 life, but that wasn't the case.

19 In a nutshell, the most significant
20 findings in the EIS were that there is less mayflies,
21 and a detectible amount of selenium downstream of a
22 mining operation.

23 They blame this on mining, but these
24 same effects have been found downstream time and time

| 5-5-2

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1 again, below any man-made development, whether it be
2 road construction, housing, commercial areas, and in
3 particular, cities and urban areas.

4 Just a moment to put selenium issue in
5 perspective, I have in my pocket here, a bottle of
6 selenium that I purchased at Rite Aid drugstore that
7 is recommended as a nutritional supplement.

8 The detectible amount of selenium in
9 water is .001 parts per million. Each of these
10 tablets contain .200 parts per million of selenium,
11 over 200 times the detectible limit. The limits that
12 are discussed in the EIS.

13 The average value of selenium detected
14 would require a person to drink about five gallons of
15 water directly below a valley fill to get the same
16 concentration found in this single tablet that is
17 recommended for nutritional value.

18 I am confused.

19 But in closing, I would like to note
20 something that is not said in the EIS. The air in
21 West Virginia is cleaner than it has ever been in the
22 last 50 years. The water is cleaner than it has been
23 in the last 50 years, and yes, we even have more
24 forested acres than we did 50 years ago.

5-5-2

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1 So, please, let us mine coal and adopt
2 Alternative Number 3.

3 MR. CHAIRMAN: Mr. Morrison, and then
4 the next speaker will be Larry Emerson.

5 MR. MORRISON: My name is
6 Michael A. Morrison.

7 I am from Barboursville, West Virginia.

8 I have been a native of West Virginia
9 all my life. I love this state. And I have lived
10 here and care about my environment.

11 What I am seeing is devastation.

12 I am really sick of it. It turns my
13 stomach, but I am going to offer solution here. It
14 is called tourism. If you all know what that means.

15 If our streams were cleaned up, we can
16 have canoe rentals, canoeing, hiking, mountain
17 biking, we have the Appalachian Trails right now,
18 which is going to draw and invite tourism. And that
19 is a good example.

20 We can do more here, if our streams were
21 cleaned up. We have got nice streams in this state.
22 We are a unique state with streams.

23 I am telling you, you all just don't
24 care. You all don't care.

1-4

11-7-2

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1 You care as much about it as George
2 Bush, that King George, that Son of a Bush.
3 Thank you.
4 MR. CHAIRMAN: Our next speaker will be
5 Julia Bonds, Julia Bonds?
6 Then the speaker after that will be
7 Lawrence, B-E-C-K-E-R-L-E, maybe?
8 MR. GIBSON: What happened to Larry
9 Gibson, Buddy?
10 AUDIENCE MEMBER: Yeah, I thought Larry
11 was next.
12 MR. GIBSON: Yeah, what happened to
13 him?
14 MR. CHAIRMAN: I am going through the
15 cards in order by the numbers that were given to me.
16 MR. GIBSON: What?
17 MR. CHAIRMAN: I will be going through
18 the cards, as I said earlier, in order as the numbers
19 that were given to me. They are numbered and given
20 to me as those people signed in. That was the
21 numbers we are going through.
22 MR. GIBSON: I was the first one that
23 signed in.
24 MR. CHAIRMAN: I will check on it for

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1 you.
2 MS. BONDS: My name is Julia Bonds. I
3 live in the Coal River Valley in southern West
4 Virginia.
5 My family and I have been here many,
6 many, years, and many, many, generations.
7 I am the sister, daughter,
8 granddaughter, and great granddaughter of coal
9 miners.
10 My home is in the heart of your study
11 area, and in the belly of the beast.
12 The beast, is the greedy, irresponsible
13 coal barrens, and for us, regulatory agencies and
14 politicians, that serve as the meals of this beast.
15 I consider the draft EIS, the blueprint
16 for continued assault upon the people of Appalachia.
17 A declaration of war upon children, their children,
18 and God's creation.
19 Ban mountaintop removal now.
20 This EIS encourages the coal industry to
21 continue to use Appalachia, and her children, as a
22 national sacrifice zone.
23 This EIS did not study the cumulative
24 effects of communities in the coal fields' health and

|1-9

|9-4-2

1 socio-economic impacts of past, present, and future
2 valley-fill mining.

3 How did you study environmental justice
4 impacts?

5 The truth is, you didn't.

6 You merely dismissed the cultural
7 communities, the people, and the property being
8 destroyed by this mining method.

9 You just dismissed it.

10 I demand a revised Environmental Impact
11 Statement, that includes cumulative impacts;
12 cultural, social, emotional, spiritual, and health
13 problems of the communities of people affected by
14 mountaintop removal.

15 A total cultural study already exists.
16 This study by our Dr. Mary Hufford is available at
17 the Library of Congress.

18 Dr. Hufford, Doctor of Nephography, is
19 doing research at the University of Pennsylvania.
20 Our mountain culture has been here long before white
21 settlers came, and long before commercial coal mining
22 began. And our culture will be here long after the
23 coal is gone.

24 We believe that many people in

9-4-2

10-7-2

9-4-2

10-2-2

1 mountaintop removal effect people who suffer from
2 Posttraumatic Stress Disorder, from blasting, and
3 flooding, and the ill effects of mountaintop mining.

4 How dare you dismiss the suffering of
5 low income and the minority people of Appalachia.

6 How dare you dismiss and defy the
7 Executive Order dealing with the environmental
8 injustices on the low income and minority people.

9 How dare you do that.

10 Your own study says that this area is
11 well above the average in poverty, and unemployment.

12 Where is the study on the socio-economic
13 problems of this area?

14 Why are the people in the coal-rich
15 counties the poorest people?

16 What are the actual costs to the
17 communities and the people that suffer the effects of
18 mountaintop removal?

19 This mining method affects the very
20 poor, and the powerless, and the oppressed people of
21 central Appalachia.

22 Economic development on these artificial
23 sites is nonexistent.

24 Only 94 percent of these destroyed

10-7-2

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1 mountaintops are ever given any economic development
2 for the affected -- the affected -- communities.

3 Show me economic development, in Boomer
4 Hollow, in Bob White, in Montcoal, in Prince. Show
5 me, show me something.

6 In the last six months, two schools in
7 the Coal River Valley, both surrounded by money
8 Massey mining permit, was closed, sending our
9 children on very, very, long bus rides, and one of
10 those schools is at Montcoal.

11 Where is the money, and where is the
12 support of the coal industry then?

13 The Raleigh County, Board of Education
14 said it does not receive one red cent that coal has
15 for education. But coal says it gives.

16 So who is lying? I would like to see a
17 report on that.

18 The scientific evidence of this study
19 shows that mountaintop removal is environmentally
20 insane, but the recommendations by the administration
21 is to make it easier for greedy coal companies to
22 destroy everything.

23 Your report makes an airtight case
24 against your conclusions.

10-1-2

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1 Your report, and your conclusion,
2 strongly contradict.

3 Did a complete idiot write the
4 conclusion?

5 As a fellow Christian, I challenge
6 President Bush, to come to the coal-field hollows of
7 central Appalachia, and talk with the blasted, and
8 flooded, and the poor, and the oppressed people
9 impacted by mountaintop removal.

10 I ask President Bush to investigate his
11 agencies.

12 No true Christian would allow these evil
13 abuses to continue.

14 I am sure once the President discovers
15 these crimes against the citizens of Appalachia, he
16 would stop mountaintop removal.

17 No true God-fearing man would allow
18 these crimes to continue.

19 MR. BECKERLE: I am Lawrence Beckerle.

20 MR. CHAIRMAN: After Mr. Beckerle, the
21 next speaker will be Nanette Nelson.

22 MR. BECKERLE: Good evening. My name is
23 Lawrence Beckerle, I live in Nicholas County.

24 I have a number of diverse interests and

1 I am involved with a number of different
2 organizations, which I will not necessarily get into
3 tonight.

4 I would mention that my first
5 surface-mine reclamation project that I got involved
6 in was in 1972, and I have been looking at issues
7 involved with surface-mining reclamation over a
8 number of years, and a number of capacities, before
9 SMRCA was invented and thought of, and I have worked
10 in a number of different states.

11 Two concerns I have: One, is that when
12 you make your decision that you realize that there
13 are a number of variables that are upon what can
14 happen with a valley fill, or mountaintop mining.

15 That you consider all those variables,
16 which I will try to include in my written comments,
17 because sometimes we confuse issues, then it becomes
18 conclusions when we are muddling, and at war with --
19 involving so many variables.

20 The other thing that I have experience
21 in seeing is that the type of regulations that we
22 pass, and sometimes they have unintended
23 consequences, and can have a large part to do with
24 what we end up with.

1 To give you a couple of examples, I can
2 well remember when OSM had interim regulations
3 prohibiting any depressions larger than a square
4 meter in size.

5 It was there for a few years, then it
6 disappeared, thank goodness. But it was there for a
7 time period.

8 West Virginia has a drainage handbook
9 that is designed for how water should be controlled
10 off of the surface mines, and so on.

11 That originated for urban construction,
12 highway construction, and so on. So the primary
13 emphasis of that drainage handbook is how to control
14 water to take it off the site.

15 In fact, there is a rule in this
16 drainage handbook yet to this day, that prohibits any
17 depressions be any deeper than two-tenths of a foot.
18 That is a very small distance, two-tenths of a foot.
19 So you deliberately create a site that is dry. In an
20 urban situation, it makes sense because you don't
21 want to have the mosquitos.

22 In a surface mine, you want the
23 mosquitos as the base for the food source.

24 There was also some question about what

5-4-2

1 is an impoundment.

2 So with every little structure being
3 considered an impoundment, even sediment ditches are
4 removed after mining. And so on the operational
5 side, the coal operators, when you try to talk to
6 them about building this type of structure, or that
7 type of structure, say why build it, if we are going
8 to have to destroy it to get our bond released?

9 So we need to look at those kinds of
10 issues. As a result of those types of things, there
11 are burn-up pools, and ephemeral pools are very rare
12 on surface mine areas.

13 Wet metals are rare, wet forests are
14 rare, absorption terraces are basically unheard of in
15 this state, a zero run-off bench and berm systems are
16 unheard of.

17 To illustrate my point, I know of no
18 crayfish farms in any surface mine in West Virginia.

19 Now that might seem strange to some
20 people that I would even mention that. But if
21 someone wanted to put a crayfish farm on, the only
22 thing that the DEP and the regulatory people would
23 look at is what the economics are behind crayfish.
24 They would not consider that crayfish pools would

1 help reduce flooding, would help provide a food
2 source for wildlife, and so on.

3 So, there needs to be other things
4 considered into these projects when you look at
5 crayfish farming, and look at the other benefits that
6 can result from those.

7 There has been an overemphasis on
8 perennial grasses, including nonnutritive, and other
9 grasses that are not productive for wildlife.

10 And one of those disadvantages of that
11 is that by contrast, if they would emphasize a
12 nitrogen-fixing plan, it would increase the earthworm
13 population, which would help make the soil more
14 productive, and help increase infiltration, help grow
15 better trees and so on.

16 By the overemphasis on nonnutritive-type
17 grasses, instead of nitrogen-fixing plants.

18 We have deliberately made these lands
19 nonproductive, and that is very unfortunate. We need
20 to change that.

21 My minutes are almost up. Good grief.

22 But to give an example, if we had --
23 another thing that would help us to decide these
24 issues --

7-5-2

Nanette Nelson, Coal River Mountain Watch

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1 AUDIENCE MEMBER: Time.
2 MR. BECKERLE: -- would be grade
3 limitations, it would have described those, and we
4 could make better decisions.
5 Thank you.
6 MR. CHAIRMAN: Our next speaker is
7 Nanette Nelson.
8 After that, we will be taking a
9 five-minute break.
10 MS. NELSON: My name is Nanette Nelson,
11 and I live on Big Coal River in Boone County.
12 When I sat down last night and thought
13 about this meeting, I became both sad, and angry.
14 The very subject of MTR, causes such
15 extreme emotions for true coal-field residents.
16 Those of us who have lived in our
17 communities for many generations, are at one with the
18 land.
19 My family has been in Boone County since
20 the 1700's.
21 Not many people can understand this
22 concept; you just have to know our hearts.
23 I want to impress on you the true cost
24 of MTR.

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1 We hear that the DEP, EPA, and other
2 agencies, plus the industry, want to rely on
3 so-called scientific data.
4 But the data always seems to suit their
5 wants and their needs. Certainly not the coal-field
6 residents.
7 How do you gather scientific data on
8 people; their feelings, their hopes, their dreams?
9 You cannot.
10 This EIS statement is a sham, and it is
11 a disgrace to even present it to the people of this
12 state.
13 You want to talk about economic
14 development; where is it?
15 According to the DEP website, there are
16 363 active mining permits in Boone County.
17 They say that MTR sites are made into
18 economic development sites; where are they?
19 There are 79 active MTR sites now, and
20 I doubt that there will ever be any kind of economic
21 development on Big Coal River.
22 Our county has terrible conditions
23 around the MTR site. Property values have gone down.
24 People could never get enough out of their homes to

10-3-2

11-3-2

1 buy an equivalent home elsewhere.
 2 People have worked all of their lives to
 3 have a home, only to see its value go to almost
 4 nothing.
 5 Whitesville and Madison are only ghosts
 6 of what they once were. Everywhere there is MTR,
 7 community death soon follows.
 8 People have left because they can't
 9 stand living in the conditions caused by MTR.
 10 Our schools are closing. We have lost
 11 many schools in our county in the past few years;
 12 need I say more?
 13 They say MTR is wonderful for wildlife.
 14 If it is so wonderful for wildlife, why are they
 15 coming down into our yards looking for food? They
 16 never did that before.
 17 You never hear a whippoorwill anymore.
 18 Big Coal River used to be full of
 19 freshwater muscues; they were huge. They were
 20 everywhere in the river. They are all gone now.
 21 You have poisoned, and polluted, and
 22 blasted, and dusted the environment to death.
 23 Not to mention the unprecedented
 24 flooding that is occurring somewhere every time we

11-3-2

10-1-2

7-3-2

6-1-2

17-1-2

1 have a rain event.
 2 This used to be rare. Now it is
 3 becoming common place. And who is paying?
 4 As usual, FEMA is called in and the
 5 Federal tax dollars are used to try to help these
 6 families recover, but even this is a sham.
 7 FEMA doesn't even come close to paying
 8 enough to putting these poor people on the road to
 9 recovery.
 10 Some of these families will never have
 11 normal lives again.
 12 And again, the coal and the timber
 13 companies get off scot-free.
 14 Where is the justice in this?
 15 When is this ever going to end?
 16 When you have destroyed the lives of
 17 everyone, or have run the rest us off so that you can
 18 run free of rein to do whatever you want, with no one
 19 to sue.
 20 I truly believe that this is your goal.
 21 You wish that we would all just go
 22 away. But Bill Rainey, we are not going anywhere, so
 23 don't get your hopes up.
 24 You say that MTR is a safer mining

1 method; for whom?

2 I imagine that it is for the person
3 sitting in the big air-conditioned pieces of
4 equipment. But what about the people who have to
5 live around these sites?

6 Remember, these folks didn't move in on
7 you, you moved in on top of them.

8 Is MTR safer for these residents?

9 I think not.

10 I want you to know something, I am not
11 against coal mining. I am against irresponsible
12 mining methods.

13 My husband worked underground for many,
14 many, years. The true miners knew the dangers and so
15 did their families. They accepted that danger.
16 These men exposed themselves to dangers every day.
17 They exposed themselves, no one else.

18 They are true, brave men.

19 The people who work the MTR sites, may
20 have a safer job for themselves; however, they are
21 putting innocent people in harm's way.

22 The little children, the elderly, common
23 people, and even babies yet unborn, are in danger
24 around these sites. And you call this a safer mining

1 method? I think not.

2 When you put people in harm's way that
3 are not even connected to the mining industry, to
4 save your own behind, I call that cowardly.

5 Thank you.

6 MR. CHAIRMAN: We are going to take a
7 five-minute break. The two speakers after the break
8 will be Larry Maynard and Vivian Stockman.

9 One thing when you return from the
10 break, if the speaker is already speaking, let's be
11 courteous and be really quiet when you come in and
12 sit down.

13 In about five minutes, we will be
14 starting again.

15 Thank you.

16 (Break.)

17 MR. CHAIRMAN: Let's get started.

18 As I said before, our first speaker will
19 be Larry Maynard.

20 Our second speaker will be
21 Vivian Stockman.

22 As we are all sitting down, let's
23 remember to be real quiet for them.

24 Thank you.

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1 MR. MAYNARD: Thank you.
2 My name is Larry Maynard. I am from
3 Delbarton, West Virginia, and the founder of DECAF,
4 Delbarton Environmental Community Awareness
5 Foundation.
6 I would like to talk a little bit today
7 about jobs. Now having jobs, does not justify the
8 outright destruction caused by mountaintop removal
9 mining.
10 If MTR is banned, then the companies
11 will have to find alternative and less destructive
12 ways to extract their coal, right?
13 Jobs will be there, and plentiful,
14 possibly more jobs than before.
15 If this form of mining continues, then
16 our environment, and this area, will continue to
17 suffer while the CEO's become rich and the West
18 Virginians, they just stay poor.
19 West Virginia is becoming the coal
20 industry's toxic waste dump. Coal waste impoundments
21 that hold slurry, should really be classified as
22 such.
23 Selenium compounds, arsonic, and other
24 hazardous chemicals, make up this sludge.

1-9

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1 There are good forms of chemicals, and
2 bad forms of chemicals. Like selenium, for instance,
3 and chromium compounds. Like some forms of chromium,
4 body builders use it, while others cause cancer.
5 And this stuff gets in our watersheds.
6 Some of the things that I want to talk
7 about -- some of the primary effects from mountaintop
8 removal is destruction of vegetation, our natural
9 water streams, the animal habitats, the beauty of our
10 environment that surrounds us all. And the future of
11 timber, or any wood-producing jobs, just to mention a
12 few.
13 Also, water-well depletion, homes being
14 flooded throughout the valleys, dust that comes from
15 the large coal trucks that barrel down our roads, the
16 increased weight limits to destroy our roads. And
17 who picks up the tab for that, the coal industry, or
18 the citizens?
19 They cannot constitute their actions
20 toward our environment just by making level land, and
21 a few jobs, even if they do pay their fair share of
22 taxes.
23 Thank you.
24 MR. CHAIRMAN: Vivian Stockman.

1-9

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1 Then the next person will be Larry
2 Gibson.
3 MS. STOCKMAN: I just want to triple
4 check that it is okay that I talk, because I heard
5 there was grumbling because I spoke already this
6 morning, or this afternoon?
7 MR. CHAIRMAN: There is nothing in the
8 rules that says you couldn't speak at the different
9 sessions, so go ahead.
10 MS. STOCKMAN: All right.
11 My name is Vivian Stockman. I am with
12 the Ohio Valley Environmental Coalition. The
13 original intent of the environmental impact
14 statement, as published in the Federal register,
15 was:
16 "... to consider developing agency
17 policies, guidance, and coordinated agency
18 decision-making processes to minimize, to the maximum
19 extent practicable, the adverse environmental effects
20 to waters of the United States, and to fish and
21 wildlife resources, affected by mountaintop mining
22 operations, and to environmental resources that could
23 be affected by the size and locations of excess spoil
24 disposal sites in valley fills."

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1 The draft EIS -- the recommendations in
2 that draft, fail, they utterly fail, to fulfill the
3 original intent of the EIS.
4 And I wonder if that is because of the
5 people like J. Steven Guiles, and Michael Castle, who
6 possibly were allowed to even write these
7 recommendations.
8 This afternoon, I heard people say that
9 they don't believe the MTR is involved in the
10 flooding in southern West Virginia.
11 I guess they haven't read the DEP, and
12 OSM studies that say otherwise. I guess they don't
13 believe the people who live in the flooded areas,
14 downstream from mountaintop removal. I guess, they
15 just don't believe what those folks are saying.
16 No, MTR is not responsible for all of
17 the flooding. But the studies say, and reality
18 shows, that it does indeed make flooding much worse.
19 We have heard a lot of comments about
20 how great mountaintop removal is for the state
21 because it provides flat land for economic
22 development.
23 How can that possibly be true? Right
24 now, we have probably over 300,000 acres of blown-up,

1-5

17-1-2

1 treeless, soilless, rubble-strewn former
2 mountaintops, just waiting for the long touted
3 economic development.

4 These wastelands have some ponds with
5 stagnant water, not to mention the coal-waste flood
6 lakes, but a good supply of fresh water, one
7 essential for economic development just isn't
8 available, because the blasting has reeked havoc on
9 the ground water, and of course, the streams are
10 buried.

11 Remember, too, that most of these
12 flatlands that the industry touts are hundreds of
13 feet above any existing infrastructure, are municipal
14 roads and former DEP head, Michael Callahan admitted
15 that less than two percent of the sites that have
16 already been obliterated by mountaintop removal, have
17 had any sort of economic development.

18 Yes, there are some projects on some
19 mountaintop removal sites, but why in heaven's name
20 do we need anymore, if we already have over 300,000
21 acres sitting around, flat acres.

22 We do have a couple of golf courses, a
23 high school, whose gym sank, and they had to get the
24 Jaws of Life out to open the doors. Some built that

10-3-2

1 have been having stability problems, too.

2 For instance, in Kentucky, there is what
3 they are calling now a "sink-sink". It is a prison
4 that over \$40 million of taxpayer money has gone into
5 stabilizing the site, and the towers are leaning.

6 It is turning out to be the most
7 expensive jail ever built in the United States. And
8 that is the showcase of mountaintop economic
9 development site.

10 At last year's Coal Summit in this very
11 building, a hydrogeologist noted that in the Coal
12 River basin alone, there are about 95,000 acres of
13 obliterated mountaintops and buried valleys.

14 That is enough flat land to provide all
15 of the following: Five, 5,000-acre recreational
16 parks; Ten, 1,000-acre prison sites -- since that is
17 going to be our great economic development -- five,
18 500-acre shopping malls -- I don't know where all the
19 shoppers will come from. 100, 100-acre trailer
20 parks -- and I guess that will relocate all the MTR
21 flood victims. There would still be 400, 50-acre
22 school sites -- not that there are any students left.

23 So that still leaves about 5,000 acres,
24 which we could make the monument park for the West

10-3-2

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1 Virginia Coal Association, so they can show people
2 how great mountaintop removal is for West Virginia,
3 one of the poorest states in the nation.

4 The EIS needs to address the fact that
5 West Virginia already has enough barren, waterless,
6 soilless, flat land.

7 We got enough.

8 Thanks.

9 MR. CHAIRMAN: Larry Gibson. Then the
10 next speaker will be Julian Martin.

11 MR. GIBSON: Here I see -- on this
12 stage, I see OSM, FWS, WVDEP, the EPA, COA; we don't
13 have no CPO. That is what is called CFC, actually,
14 for -- Concern for Citizens.

15 We have these here -- a lustrous group
16 up here of people who are supposed to be representing
17 the State of West Virginia, and the group of people
18 here -- I don't see them doing anything that is worth
19 their while here.

20 Also, we was talking about --
21 I heard -- while we was sitting there talking --
22 I had other things to say, but I want to talk about
23 this one.

24 We have heard about the decrease in the

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1 population of the coal fields, the number of people
2 or citizens in the coal fields.

3 The only thing that I don't understand
4 is, if coal is so good, how come we're losing our
5 citizens in the coal fields? How come people are
6 leaving?

7 Also, how come we have such low income?
8 How come we have such low education in the southern
9 coal fields? How come we don't have any
10 infrastructure? How come we don't have city services
11 for everybody in Logan? Things like that, we don't
12 have it.

13 Another thing I want you all to
14 understand about mountaintop removal, it is not only
15 destroying our mountains, it is interfering with our
16 mountain way of life.

17 Now I mean, we have, around my area, in
18 our mining area, or the mining around my mountain, we
19 have mountaintop at about 2,000 feet. My land stands
20 about 6- or 700 feet above the sites.

21 But we have -- because of the
22 mountaintop removals, and the underground mining, we
23 have mine cracks that just happen to be up there the
24 other day, too. And this is several times now

10-1-2

10-2-2

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1 they've filled these mountain cracks up.
2 But I called the Surgeon General's
3 office the other day, and I left her a message, We
4 have people in harm's way over here in Clearfork.
5 And I called her, and I made a reference to her to
6 find a way to put these people out of harm's way, so
7 that she could ensure their safety, to make sure
8 their life won't be in danger.
9 We have nobody here on this panel just
10 concerned about the citizens. If you did, you would
11 be going over renting these homes over there in
12 Clearfork that's empty, and living down below those
13 mountains, where the floods did not happen.
14 Of course, it is obvious that floods do
15 not happen in the coal fields.
16 Another thing that I mentioned about the
17 jobs here; Gosh, now I've got to help Chris Hamilton
18 out here, because the jobs, here in the coal fields,
19 I think we have lost about 150,000 miners in
20 West Virginia. And I heard Chris up here say, We are
21 providing jobs for the people in the coal fields.
22 Well, I think if we keep providing jobs
23 at that rate, we won't have to worry about the coal
24 company, they will put themselves out of business.

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1 And another thing, if Chris Hamilton
2 endorses this thing that you all put together, it
3 can't be good for the citizens.
4 It can't be good for the citizens.
5 I am going to the office and I am voting
6 against this. Because if Chris is for it, I got to
7 be against it.
8 MR. MARTIN: My name is Julian Martin.
9 MR. CHAIRMAN: Just a minute, sir. I'm
10 sorry.
11 After Mr. Martin, Janet Fout.
12 Okay, Mr. Martin.
13 MR. MARTIN: My name is Julian Martin.
14 I am the 8th generation that has lived on Coal
15 River. We live in Charleston now.
16 My people came here around 1800. We got
17 here before coal did.
18 I would like to see the people that want
19 to destroy our mountains, are moving in on our
20 homeplace.
21 I would like to lodge a complaint with
22 this panel: I was the second person to sign in
23 tonight. Larry Gibson was the first. He was the
24 first person to walk through that door; I was the

1 second.

2 Chris Hamilton was not in that room out
3 there. He walked in here about two or three minutes
4 before the thing started and he spoke second.

5 Now that shows you how low the coal
6 industry will stoop. If they will cheat on stuff
7 like that, for God's sake. Now that is really tacky;
8 isn't it? I mean, that is character, isn't it? That
9 is who you are dealing with. These are the kinds of
10 people that you are dealing with.

11 They would steal from their little
12 sisters.

13 They would push their mother down the
14 stairs in a wheelchair.

15 I want to complain about the fact that
16 your economic study was not a broad -- did not cover
17 enough years. I want you to go back and do this
18 again. I bet you love to hear that, don't you?

19 You will get some information from me
20 about Bill Mackey, who used to be the head of the
21 Board Service, in West Virginia. And he resigned in
22 protest against mountaintop removal.

23 He said it was akin to a disease like
24 AIDS. That is what he said.

11-9-2

1 This is not a tree-hugging radical,
2 out-of-state environmentalist, okay? This is a man
3 who believed in clear-cutting, for God's sake.

4 He says that mountaintop removal is akin
5 to a disease like AIDS. Why was he not interviewed
6 for this? Why was the information that he has not
7 included in this study?

8 This man was a was a prominent figure in
9 this state, and in this business. He knows what he
10 is talking about. He said that 300,000 acres had
11 been destroyed already. And he said that for every
12 acre, you can get 260-board feet of timber that is
13 new growth. That is the new growth per acre.

14 I am sure it is an average, okay?
15 Multiply those two numbers together,
16 300,000 times 200, comes out to 60-million-board
17 feet. That was in 1997, this estimate he made.

18 That 60-million-board feet of timber
19 could have been cut on what has already been
20 destroyed every year, forever.

21 Not just one, every year. That is just
22 the new growth. You could have cut that and not miss
23 it.

24 Now, if this whole mess doubles, as this

11-6-2

1 report claims, it's going to -- if mountaintop
2 removal doubles -- then by the year 2013, I think it
3 was, in 10 years, or something, it is going to be
4 around 200-billion-board feet of timber lost every
5 year, forever.

6 Every year. Not one, but every damn
7 year, and that is if they quit mining right then.

8 They are destroying the hardwood timber
9 in West Virginia. Fall is going to disappear. All
10 the trees are going to be the same. They are going
11 to go with the cheap trees, where they can grow real
12 fast, and don't change colors. They don't want to
13 mess with that. We're all going to look like Oregon,
14 you know, you're going to have green and yellow, that
15 is it.

16 So I beg you, I plead with you -- I know
17 I am pissing in the ocean -- I beg and plead with you
18 to reconsider the economic study.

19 Do a long-term economic study. Not just
20 about the coal industry, about everything this is
21 costing us.

22 For God's sakes, they are destroying the
23 future use of these places.

24 These are wastelands. Get a grip.

11-6-2

1 These are horrible looking places; these are not
2 close calls.

3 This is the worst environmental crisis
4 in the whole world.

5 There is not another mountain range in
6 the United States that has had 300,000 acres
7 destroyed. Nowhere. It is an outrage.

8 And I wish I had another hour.

9 I want you to offer other options.
10 Enforce the law as it is. If you did that, it would
11 stop them in their tracks.

12 Do away with those damn national
13 permits that say that a valley fill has a minimal
14 environmental damage.

15 Good God, don't let them dump anything
16 in any stream. It is craziness.

17 There are 147 years of underground coal,
18 according to this report. Let's do it underground,
19 with the pillars left behind so that the top doesn't
20 cave-in, too.

21 Now, I talked today to a DEP person, and
22 he said that it looks like they did all that research
23 and then just ignored the damn thing in their
24 recommendations.

1-13

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1 I know that there are people in your
2 departments. We know them. We know who they are
3 there. You know, there are moles. Deep Throat isn't
4 anything. You can't trust anybody over there.
5 They are on our side.
6 They tell us that this is a bunch of
7 bullshit.
8 Thank you.
9 MR. CHAIRMAN: Janet Fout.
10 James -- I believe it is Maynard.
11 I am Janet Fout. I work for the Ohio
12 Valley Environmental Coalition.
13 I am a life-long resident of West
14 Virginia. My daughter is seventh generation.
15 I just wanted to remind folks here on
16 the panel a little bit about the National Environment
17 Policy Act of 1969.
18 The purpose of the Act basically says to
19 encourage, productive and enjoyable harmony between
20 man and his environment. Promote efforts which will
21 prevent or eliminate damage to the environment and
22 biosphere, and stimulate the health and welfare of
23 man.
24 This is the foundation for this EIS

4-2

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1 process, and there are three parts of this that I
2 think are very much being neglected by the EIS.
3 It says that you should ensure for all
4 Americans safe, helpful, productive and aesthetically
5 and culturally pleasing surroundings.
6 I don't think that there is anyone who
7 has ever been to a mountaintop removal site, who
8 would say that mountaintop removal, as it is
9 practiced in West Virginia, does that.
10 That you should attain the widest range
11 of beneficial uses of the environment without
12 degradation, risk to health, or safety, or other
13 undesirable, or unintended consequences.
14 What I read of the EIS, says that there
15 are many consequences, and they are very negative
16 consequences to water quality, to habitat for
17 wildlife, for communities, for people who live near
18 blasting.
19 There are numerous, numerous, impacts.
20 That you are to preserve important
21 historic, cultural, and natural aspects of our
22 national heritage, and maintain wherever possible, an
23 environment which supports diversity and variety of
24 individual choice.

4-2

1 There is very little in the EIS, as it
2 is currently stated, that covers the cultural, or
3 historic losses.

4 I would suggest to you that since your
5 EIS contains -- at least two symposiums -- put
6 together by Federal agencies, and the coal industry,
7 that you also include the proceedings from the
8 Citizens Coal Summit that was in 2002, held here in
9 Charleston.

10 You will learn a lot about the cultural
11 impacts, and the impacts on people's lives.

12 Also, just some something -- the reason
13 why I think mountains need to be preserved in West
14 Virginia.

15 These are the words of Wendell Berry:
16 "The peace of wild things.

17 When despair for the world grows in me
18 and I wake in the night at the least
19 sound, in fear of what my life and my
20 children's lives may be,

21 I go and lie down where the wood drake
22 rests in his beauty on the water,
23 and the great heron feeds.

24 I come into the peace of wild things

10-2-2

10-6-2

1 who do not tax their lives with
2 forethought of grief.

3 I come into the presence of still water
4 And I feel above me the day-blind stars
5 waiting with their light.

6 For a time I rest
7 in the grace of the world,
8 and am free."

9 There is very little in your Draft EIS
10 that talks about those kinds of impacts. When all of
11 our mountains are gone, when all of our streams are
12 filled, where will we restore our souls?

13 And also, as long as I've got time, I am
14 going to mention a few other things.

15 I think there is not nearly enough in
16 the draft EIS to address the concerns about
17 coal-slurry impoundments. I actually have three
18 photographs that I will leave with you.

19 These are so close to many communities
20 and in these particular photographs show how close
21 they are.

22 Here is a little known economic fact of
23 coal. In 2002, for every \$100 a miner which makes
24 \$50,000 a year -- a CEO of Massey Energy rakes in

10-6-2

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1 approximately \$13,600.
2 So somebody certainly is benefiting from
3 mountaintop removal.
4 I wanted to mention something about the
5 Alternatives. The reason Alternative Number 3, is so
6 attractive for the coal industry and which I think
7 that is definitely the wrong way to go. That is a
8 fast track.
9 That means that everything is given a
10 rubber stamp, nationwide permit. I think what Julian
11 mentioned before, this is for minimal adverse
12 environmental impact.
13 The coal industry likes this because it
14 is the quickest -- is a strategy which enriches their
15 bottom line, and so that is why they prefer that.
16 We don't prefer that.
17 In fact, we believe that mountaintop
18 removal should be banned. There might be lots, and
19 lots of laws, like Chris Hamilton mentioned before.
20 But unfortunately there doesn't seem to be anybody
21 who has political will to enforce the laws. Whether
22 it is AFC laws, flood control, bond release, or you
23 name it.
24 Finally, there was some mention about

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1 Mark Canterbury's study, and what is a frequent
2 decline in this nation wherein we have a prime
3 habitat.
4 Mountaintop removal will destroy and
5 fragment --
6 MR. CHAIRMAN: You are out of time.
7 MS. FOUT: Well, thank you.
8 MR. CHAIRMAN: Thank you.
9 MS. FOUT: I will submit written
10 comments.
11 Thank you very much.
12 MR. CHAIRMAN: James Maynard.
13 And the next speaker will be Donna
14 Price.
15 MR. MAYNARD: My name is James Maynard,
16 I am in Delbarton, West Virginia. I just don't like
17 the way they are tearing our mountains up, filling up
18 the hollows, and stuff like that.
19 It is not real good, or you know.
20 The environmental -- and stuff like
21 that, and the trees, and stuff, tearing it up.
22 I have seen it all. I have seen trees
23 tore all to pieces and just thrown over the hill and
24 covered up and everything else.

1-9

Donna Price, Coal River Mountain Watch

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1 What do you call them dams, and stuff
2 like that? I have seen them, too, and they ain't no
3 good.
4 That is all I got to say.
5 MR. CHAIRMAN: The next speaker is
6 Donna Price, and then the following speaker is Frieda
7 Williams.
8 MS. PRICE: My name is Donna Price, and
9 I am from Dorothy, West Virginia, in the Coal River
10 Valley.
11 First, let me say that I am absolutely
12 against the mountaintop removal method of coal
13 mining.
14 This massively destructive mining
15 method, has eradicated hundred of thousands of
16 Appalachian hardwood forests, and replaced them with
17 worthless grassland.
18 It eliminates miles of precious
19 headwater streams, and then there are these massive
20 valley fills. Composed of waste rock and dirt that
21 is blasted from mountaintops, and dumped into the
22 nearest valley.
23 And by the way, for everyone who calls
24 valley fills usable flatland; West Virginia is the

1-9

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1 Mountain State.
2 These monstrosities are contemptuous
3 insult to our heritage.
4 Runoff from these fills degrades our
5 tributary streams and clogs them with silt.
6 Recent studies tell us that all of these
7 things contribute to the dangerous flash floods, that
8 have become a plague across this region over the past
9 several years.
10 Now none of this is news to you people
11 who live near mountaintop removal; we are seeing
12 these things happen. We live with them every day.
13 We know what is happening, to our land, and our
14 homes, our communities, our schools.
15 We know exactly why our highest
16 coal-producing counties have the highest unemployment
17 rate, and the highest poverty level in the state.
18 We all know these things. And you know
19 about these things, too. You may not be comfortable
20 with that knowledge, and you may choose to ignore it,
21 in order to make your study accomplish what it has
22 been designed to accomplish, which seems to be to
23 keep the coal industry profitable.
24 But you could never say that you don't

17-1-2

10-2-2

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1 know about these things. It has all been explained
 2 to you numerous times during these public hearings,
 3 and I think that this EIS is a shame and a sham.
 4 And I see people all over this region
 5 becoming more and more frustrated and angry at this
 6 administration, and these agencies, have failed in
 7 their duty to prevent this irresponsible destruction
 8 of our land and our water.
 9 One more thing: This dirty little
 10 secret is no longer confined to the hills and
 11 hollows of central Appalachia.
 12 The ravages of mountaintop removal
 13 mining, and the devastation it is causing to our
 14 land, and water, and our people. All of these things
 15 are being made known to citizens all over this
 16 country, and the outrage is growing.
 17 Blowing up mountains is becoming a
 18 decidedly unpopular method of mining coal. It is too
 19 destructive. It violates the principles of the Clean
 20 Water Act.
 21 It is becoming unacceptable to the
 22 people of this country, and it will be stopped.
 23 Thank you.
 24 MR. CHAIRMAN: Frieda Williams. And

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1 then the next speaker will be Bill Price.
 2 When you come up, remember to speak into
 3 the microphone.
 4 Thank you.
 5 MS. WILLIAMS: I am glad to have this
 6 opportunity again.
 7 I say, no to mountaintop removal.
 8 Even those who work in the mines are
 9 affected by the damage that illegal and irresponsible
 10 coal mining has on the citizens of the coal fields.
 11 Over just the past two years, many homes
 12 have been destroyed by flooding that has come from
 13 mountaintop removal sites and by valley fills that
 14 overflow.
 15 No one knows how much water is stored in
 16 our mountains. I wish we did.
 17 Throughout the coal fields, abandoned
 18 deep mines have been filling with water for more than
 19 50 years. Research from the University of Kentucky,
 20 established that water contains more than 60
 21 different chemicals, all of which are polluting our
 22 drinking water.
 23 We know only too well what the problem
 24 is. We know what it will take to solve the problem.

11-9

17-1-2

5-2-2

90

1 We have the proof through the Governor's Flood
2 Committee Report, and the national report on coal
3 slurry damage.
4 These reports have taken more than two
5 years to complete. So why the delay on putting the
6 solution into place?
7 The people of the coal fields need the
8 answer yesterday. Profits for a few, is not good
9 enough reason to let this destruction continue.
10 If you really want to make a decision,
11 don't take anyone else's word, come to the coal
12 fields yourself.
13 More than 80 years ago, Mother Jones
14 said, "There is never peace in West Virginia because
15 there is never justice."
16 Unfortunately, that is still true
17 today.
18 Thank you.
19 MR. CHAIRMAN: Bill Price, and then next
20 one will be James Chajmacki. I will apologize for
21 that name, now.
22 MR. PRICE: Can you hear me? Because I
23 want to shout it to the rafters, it is time to stop
24 mountaintop removal mining.

1-9

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1 My name is Bill Price, and I am the
2 environmental justice resource coordinator for the
3 Sierra Club in central Appalachia.
4 I am a proud member of the Coal River
5 Mountain Watch, and I am a resident of Dorothy, West
6 Virginia, living smack down in the middle of the
7 southern coal fields of West Virginia.
8 I must tell you that I came here
9 reluctantly. Not because of any threats, or
10 intimidation -- because we weren't going to listen to
11 that -- but because I know that the Bush
12 Administration, and the Environmental Protection
13 Agency want us to come here, say our peace, and go
14 back and live under the valley fills again.
15 And I know that this EIS is a shame and
16 it is a sham, and the Bush Administration just don't
17 give a damn.
18 But in the end, I decided to come here
19 and tell the EPA, and others, that there is this
20 great frustration in the coal fields of West
21 Virginia, Kentucky, and Tennessee.
22 People who have for so long battled for
23 justice, are fed up with not being listened to, fed
24 up with laws not being enforced, fed up with crooked

1 politicians, fed up with the coal industry that puts
2 profit above people, fed up with having our homes and
3 lives destroyed in the name of corporate greed.

4 From that frustration is coming power.
5 Power that doesn't come from money, and it doesn't
6 come from status, it comes from within. And it comes
7 with being united with people from around this
8 region, around this country, and around the world.

9 I am here tonight to tell you about the
10 people. I will tell you about a mother who used to
11 go out on her back porch with a cup of coffee in her
12 hand, and look up into the beautiful mountains and
13 valleys, behind her home, and now she goes up there,
14 and looks up at a pile of rock that they call a
15 valley fill, and she cries.

16 Mothers shouldn't be crying in the
17 States of West Virginia, Kentucky and Tennessee.

18 This EIS is a sham. And we can do
19 better.

20 And I want to tell you about a father
21 who once took his son fishing in the mountain streams
22 surrounding his home to teach him how to fish, like
23 his father had before him. Now he would have to
24 explain to his little boy how that mountain stream is

1 no longer there. How it is part of over 700 miles of
2 streams that have been buried by mountaintop removal
3 mining.

4 Daddy should not have to explain that to
5 the little boy, and the EIS does not solve that
6 problem, and we can do better.

7 I want to tell you about a grandfather
8 and grandmother, who worked their entire lives to get
9 a little place up in the mountains so that they could
10 retire in peace and quiet. And now, every day that
11 peace and quiet, is blasted, because of blasting on
12 the mountains above them, and they are afraid, pissed
13 off, and stressed out.

14 And grandparents should not have to live
15 that way. This EIS does not solve that problem, and
16 we can do better.

17 And you need to hear about the
18 children. The children who are going to bed every
19 night that it rains fully clothed because they don't
20 know that at 3 o'clock in the morning they may have
21 to get up and run for their lives. Not from the
22 water coming from the streams, but the water that is
23 coming from the sediment ponds above them.

24 Children should not have to be going to

5-7-2

10-6-2

17-2-2

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1 sleep fully clothed at night. This EIS does not
2 solve that. And it is a sham, and we can do better.
3 Frieda, thank you for mentioning Mother
4 Jones. Because people today are still fighting for
5 justice in the coal fields, and we will have that.
6 Our battle is not with the ones of those
7 that are feeding their families, but it is with the
8 greedy coal operators, and the West Virginia Coal
9 Association who put profit above people.
10 And our battle with the Bush
11 Administration, that totally ignores the laws and
12 lets this illegal practice continue.
13 We will win.
14 We will have coal field justice, in
15 spite of the fact that this EIS is shame, and a sham,
16 and the Bush Administration just don't give a damn!
17 MR. CHAIRMAN: James Chajmacki?
18 AUDIENCE MEMBER: He left.
19 MR. CHAIRMAN: Okay. Pam Medlin.
20 After Pam we will be taking another
21 small break again.
22 MS. MEDLIN: I am Pam Medlin. I am from
23 Charlotte, North Carolina.
24 I am here tonight representing a family

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1 from McDowell County, West Virginia.
2 My eighth-year-old son came to me
3 recently with tears in his eyes asking, Mommy, why
4 don't they realize that cutting down the mountains
5 and trees causes flooding and hurts the earth. Even
6 I know that, and I am just a kid.
7 That single statement stunned me. My
8 immediate family no longer lived in West Virginia.
9 My kids don't have to live in fear of another flood
10 or slurry dam breaking. Yet they feel the pain of
11 their friends and family still living in the coal
12 fields of West Virginia.
13 My son heard me planning my trip here
14 today and begged to come along. Why do you want to
15 go? I asked him. His reply, So that I can ask the
16 coal company, and the coal miners myself, why they
17 hate little kids so much. They put them in danger.
18 Why can't we find better ways to make
19 electricity, and why they can't be nice to the earth?
20 Again, I was stunned by the intelligence
21 of an eight-year-old child. If he could understand,
22 then surely the coal companies, and the government
23 could understand, as well.
24 This earth is a gift given to all of us

1-9

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1 for the short amount of time we are here. Not just
2 big business and people with money.
3 For someone to have the audacity to
4 think that they can improve the gift that has been
5 given, leaves me at a loss for words.
6 What is going to be left for future
7 generations? When the last hardwood forest is being
8 trucked out of here, and seeing flat scarred land
9 where a majestic mountain once stood?
10 Can you, the coal companies, or you the
11 government, look into the innocent eyes of a child
12 and honestly say that you tried to do something good
13 for the earth and their future? That you didn't
14 think mountaintop removal was bad for the earth?
15 We ask that you take an honest and
16 unbiased look at the government's own research. They
17 have proven, without a shadow of a doubt, that
18 mountaintop removal and valley fills destroy our
19 environment and our future.
20 We ask that you extend the deadline for
21 comments on the Environmental Impact Statement, so
22 that all people can read, and fully understand the
23 devastation our own government, our own government,
24 is permitting to continue.

3-5

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1 Perhaps it is time that we all realize
2 that we are in this together. There are
3 alternatives, and together we ought to succeed in
4 making a difference.
5 Remember the words of a child, "I know
6 that, and I am just a kid."
7 MR. CHAIRMAN: It is time that we all
8 take a five-minute break here. The two speakers
9 after the break will be Winnie Fox. Carolyn
10 Chajmacki, if she happens to still be here, and Patty
11 Sebok.
12 Let's take five minutes, and come back
13 in, and if the speaker is speaking, again, be very
14 quiet.
15 Thank you.
16 (Break.)
17 MS. FOX: My name is Winnie Fox. I am
18 from Huntington, West Virginia, and I was born on the
19 Big Sandy River.
20 I have seen a lot of hideous things in
21 my time, but I have never, never seen anything as
22 hideous as mountaintop removal.
23 This state has the richest resources and
24 the poorest people. We talk about we have no jobs,

1-9

1 our children have to leave this state because there
2 is nothing here for them. We educate them and then
3 bid them good-bye. They are like refugees.

4 I am going to calm on down now. But I
5 want to read a poem that I wrote about Massey because
6 I am supposed to restrain myself. Because I might
7 incinerate.

8 "Ode to Massey Coal"
9 "How you use energy all wrong
10 You have been among us too long.
11 Everything you have been doing is wrong.
12 You have messed up our rivers,
13 You have messed up our streams,
14 You have messed up our hopes,
15 and you have messed up our dreams.
16 You have blown up our mountains,
17 You have taken our wells,
18 and instead of respecting,
19 You've given us hell.
20 You've been a rotten corporate neighbor,
21 You've no respect for labor.
22 Now we have a monumental job of cleaning
23 up the mess you made,
24 And I've covered for the taxes you have

10-1-2

1 not paid.
2 The ads that you running on TV to make
3 you look good,
4 but they are not working,
5 you are still a corporate hood.
6 The toxic sludge is so yucky,
7 that you don't want Kentucky.
8 Can we recover our losses,
9 at the EPA office?
10 Stop this deadly World War,
11 We can't stand it anymore.
12 When we bid you goodbye,
13 there will be no tears in our eyes.
14 Here's to you, Dear Old Massey,
15 you have been a pain in the . . .
16 neck."
17 These are sacred land, and these are
18 sacred people, and you are the regulatory agency for
19 this site, and it is your sacred duty to protect
20 these mountains and protect these people.
21 Because if you don't, you will have to
22 answer to somebody for that. I promise. And I keep
23 my promises.
24 Thank you so much.

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1 MR. CHAIRMAN: Carolyn Chajmacki?
2 AUDIENCE MEMBER: They left.
3 MR. CHAIRMAN: I knew he did, but I
4 wasn't sure if she did or not.
5 Patty Sebok. And then after Patty, it
6 will be Janice Neesa.
7 MS. SEBOK: Hello. My name is Patty
8 Sebok. I am a lifelong resident of Boone County,
9 West Virginia.
10 My ancestors also have been here since
11 the 1700's. My father was a coal miner, and my
12 husband is a coal miner. So I am not against all
13 coal mining. But I am against mountaintop removal
14 mining.
15 I keep hearing that mountaintop removal
16 mining provides the only good paying jobs in a
17 depressed region, and levels out rough terrain for
18 future development. Well MTR mining provides so many
19 jobs, then why are the coal mining counties the
20 poorest of the state?
21 Name me one mountaintop removal site
22 that has been developed on the Big Coal River area.
23 We hear that there is no economic development because
24 of a lack of potential development sites.

1-9

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1 Big Coal River area has over 95,000
2 acres of flattened land. Is this not enough land for
3 development? Where are the development plans for the
4 land? What is the percentage of mountaintop removal
5 sites that are developed from destroyed mountains?
6 Boone County has an economic development
7 plan, but it plainly states that if an MTR site is
8 not within a half of a mile of a four-lane road,
9 there will be no development.
10 So on our side, the Big Coal River side
11 of Boone County, there will not be any development.
12 If mountaintop removal mining is so good
13 for communities, why isn't there any mountaintop
14 removal going on in Charleston or South Charleston.
15 Is it because mountaintop removal impacts the poor,
16 those without power? You won't see it in the rich
17 communities.
18 Lives are lost, homes destroyed, and
19 communities devastated. Plus the loss of our culture
20 when we lose our mountains, and the freedoms that go
21 into our mountains.
22 Deer and bear are being seen in people's
23 yards in the daytime to eat because they are being
24 run out by mountaintop removal. They have no food.

10-3-2

10-2-2

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1 In the past four years, I have seen more
2 deer coming in my yard to eat grass than I have in my
3 entire lifetime.

4 If you think that enforcement of
5 existing regulations will not be economically
6 beneficial to continue mining, then go back to deep
7 mining.

8 Deep mining does not cause the problems
9 that mountaintop removal mining does. Plus, it
10 provides more jobs, with much less environmental
11 impact on communities, and private property owners.

12 Last year, my husband was laid off twice
13 from the deep mines, while the mountaintop removal
14 sites were working night and day.

15 Mountaintop removal mines does not
16 provide half as many jobs as deep mines, but deep
17 mines cannot compete with the cheap prices of
18 mountaintop removal coal.

19 This EIS study costs the American
20 taxpayers -- yes, the American taxpayers, not just
21 West Virginia taxpayers -- \$8 million.

22 And it started out to minimize the
23 potential for adverse effects of mining operations.

24 So I would like to know how did it come

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1 to be a streamline permitting process?

2 Thank you.

3 MR. CHAIRMAN: Janice Neese. The next
4 speaker will be Chuck Wrostok.

5 MS. NEESE: Hi. My name is Janice Neese
6 and I am currently the executive director of
7 Coal River Mountain Watch.

8 I, too, am a lifelong West Virginian. I
9 have come from two generations of coal miners.

10 For over five years -- the last five
11 years -- I have been working very closely with the
12 residents of the southern coal fields, fighting the
13 environmental, social, and economic impacts of
14 mountaintop removal mining.

15 It is the hardest job that I have ever
16 done in my job, and I was a teacher for 31 years. So
17 that is saying quite a bit.

18 It seems, four long years, we have been
19 waiting the results of the study, hoping that someone
20 would finally listen. Unfortunately, you chose not
21 to.

22 While we were waiting, we were
23 suffering. While you were studying, we were
24 suffering. It seems that every study is the same

1 result. We expect something good, and it is always
2 something bad.

3 In the four years that you were working
4 on this study, we have suffered from -- we have
5 suffered the decapitation of our mountains, and the
6 dumping of valley fills into our streams. We have
7 suffered air pollution, dust pollution, three
8 devastating floods.

9 We have had sludge dumps, sludge dam
10 spills, valley-fill failures, et cetera, et cetera,
11 et cetera.

12 And I could take my five minutes telling
13 you of what we studied, but that's not what I'm going
14 to do.

15 I'm going to tell you that the study
16 that you released, shames every member of the
17 community. And it deals a death blow to both the
18 physical environment and human environment in the
19 southern coal fields.

20 I am not sure -- I am not sure why you
21 chose to side with the coal industry, and with their
22 false economics. Maybe, perhaps, you were swayed by
23 the threat of lost jobs.

24 I am 67 years old, and I have heard that

1 threat since I was six years old. I lived through
2 it.

3 Why does the coal industry think that
4 they are entitled to a job, when the rest of the
5 nation, schoolteachers, all types of people, have
6 lost their jobs?

7 Are we out trying to protect their
8 jobs? Have I seen anyone on this committee try to
9 protect their jobs? No. It is only the coal
10 industry.

11 They think that they should take a few
12 jobs that they give to a community, and we should be
13 grateful.

14 They also tell us that we are,
15 obligated, to provide cheap energy for the nation.
16 Well, we don't think so.

17 We have no intentions of allowing this
18 to continue. We have no intentions of seeing our
19 communities destroyed, our mountains destroyed, our
20 heritage destroyed; everything that we hold dear is
21 destroyed.

22 How many people did you talk to from the
23 southern coal fields when you did this study? Did
24 you interview anyone in the Boone County area? Did

1-9

10-2-2

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1 you interview anybody from the impoverished counties
2 of Mingo, McDowell, Boone, parts of Raleigh?

3 We didn't see you. We didn't hear from
4 you. You know, when we send in our comments, we
5 seriously think that they are probably not even read.

6 I would like to talk a little bit, too,
7 about -- well, I wanted to say, something else about
8 what, perhaps, changed your mind about what you were
9 supposed to do? Perhaps you fell prey to the coal
10 industry's economists' point of view.

11 Let me tell you about the economy of
12 coal. Coal is a false prosperity. It enriches the
13 few, to the detriment of many.

14 The motto of coal is get as much coal as
15 you can with the fewest number of men, and the
16 greatest amount of profit, and get out, with -- the
17 profit -- as fast as you can.

18 I have seen that three times in my
19 lifetime. I have seen that happen, and nothing is
20 left behind for West Virginia, and nothing is left
21 behind for Kentucky.

22 Finally, I would like to say something
23 about reclamation. You know, one of the gentlemen on
24 that site said that they shouldn't have to reclaim

10-2-2

3-2

3-3

19-3-2

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1 these places because it is difficult, you know, it is
2 difficult to do.

3 They are required by law to reclaim
4 these land sites. Nothing has been done in Boone
5 County, for Boone County. Four percent have been
6 reclaimed, if at all.

7 What I am here to tell you tonight, is
8 that we are angry, and we wanted to tell you: Hell,
9 no, to your study, and hell, no, to mountaintop
10 removal mining.

11 Thank you.

12 MR. CHAIRMAN: Chuck Wrostok.

13 And then after Chuck, we will have
14 Marian Miller.

15 MR. WROSTOK: My name is Chuck Wrostok.
16 After Chris Hamilton gave his qualifications, I guess
17 I have to say that I am not a native West Virginian.
18 But I have been here for 27 years, and I am here to
19 stay. I am not going anywhere.

20 For the federalities they are here
21 tonight, I also want to say that I have 40 years
22 experience as a U.S. taxpayer.

23 This EIS report is an unhealthy example
24 of the type of double speak emanating from

19-3-2

1-9

1 Washington, D.C., these days.

2 I can understand the delay in the
3 release of such a document. It has to be
4 embarrassing to some of the authors.

5 Who would be proud of a document that
6 makes such a strong case for protecting the
7 environment, while recommending a speedier way to
8 destroy it?

9 So as a taxpayer, I am formally
10 demanding a refund of the \$8 million that you spent
11 on this.

12 Now if our government was controlled by
13 the people, and for the people, we wouldn't be here
14 today defending our mountains from mutilation?

15 We would not have to deal with the
16 perverse logic of an EIS report that tells us of vast
17 environmental damage from mountaintop mining, and
18 then makes it easier to get permits to do this very
19 same damage.

20 Am I missing something here? I mean, I
21 don't get it, or what?

22 We also wouldn't have to deal with the
23 dark minds that control the mining industry who would
24 destroy one of the world's most diverse ecosystems

1-9

1 for the sake of profit.

2 If we had a government that was
3 controlled by the people -- there is already a
4 healthy mistrust of the Federal government in this
5 neck of the woods, and this EIS report doesn't help.
6 Today, miners, drivers and their
7 families, are faced with terrible choices. They are
8 being asked to transform their woods through hunting
9 grounds, their fishing streams into barren wasteland,
10 or lose their jobs. It is an awful choice. One that
11 they should not have to make.

12 Many of them were here today. If you
13 look into the hearts of many of the people here, you
14 will see many of the neighbors, everyday folks like
15 yourselves, thinking about their choice to have a
16 home, and a decent life in these hills and hollows of
17 this beautiful land; these mountains that God made.

18 Some people will say that there will
19 eventually be jobs at Walmarts, and fast-food places
20 on this reclaimed land, but who could live on minimum
21 wage and no benefits?

22 By the way, this "reclaimed land"
23 phrase, I have a little trouble with. Where I come
24 from, we call it a landfill. It is usually filled

11-1-2

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1 with junk.
2 We all have to work together to find a
3 way to keep our mountain heritage and have good jobs,
4 too.
5 If federal agencies can bail out savings
6 and loans associations, if they can bail out airlines
7 with billions of dollars of money that come out of
8 our pockets, then it could help coal-field people
9 create good-paying jobs here in West Virginia.
10 It is like we are invisible here,
11 sometimes.
12 Federal subsidies could create jobs in
13 alternative-energy research, development and
14 construction, jobs with a future.
15 Are we to become an energy-sacrifice
16 zone, because we can't pull together for a more
17 diverse economic future? Surely we can do better.
18 Now maybe the Government agencies who
19 are so anxious to now communicate with one another,
20 could communicate with agencies and see what they
21 could do about this.
22 There are plenty of people down here
23 willing to work. They need the jobs, they have the
24 resilience, they have the intelligence, and they have

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1 the work ethic.
2 We are not about to have this
3 government, which is controlled by industry, destroy
4 our way of life. These mountains are not an
5 impediment to progress; they are our soul.
6 We reject the premise of having jobs,
7 while devastating our land forever is a good thing.
8 It is a dead-end path.
9 As Woody Guthrie put it, This land is
10 our land. The water, the air, the soil that sustains
11 us. These are our rights and vital ingredients for
12 the common good of everyone.
13 A good Government report would not only
14 reflect that, but would find ways to sustain the
15 common good.
16 MR. CHAIRMAN: Sir, you are out of time.
17 MR. WYOSTOK: Thank you.
18 MR. CHAIRMAN: The next speaker is
19 Marian Miller, and then after that is
20 Pauline Cantebury.
21 May I remind you again, to please adjust
22 the mic so that all the people can hear everyone.
23 Thank you.
24 MS. MILLER: My name is Marian Miller.

1 I live in Sylvester, in a coal-dust town that has
2 surrounded us.

3 I am against mountaintop removal. We
4 need to protect our water streams, and our rivers --
5 God gave us these beautiful mountains, not to be
6 destroyed.

7 I moved to Boone County in 1951. There
8 were coal mines and coal camps along Coal River.
9 They did not remove the mountain tops years ago, and
10 it was a bigger demand for the coal in 1951 when I
11 moved to Coal River.

12 Why do they have to remove the mountain
13 tops now?

14 This is where our State, our Federal
15 government needs to make laws, enforce them. Don't
16 force people out. Don't wait until it is too late
17 and we are washed off. Act now on the law.

18 When I go to bed at night, I do not know
19 if we are going to be flooded after a heavy rain, or
20 if an impoundment will break loose. We do not have
21 any kind of a warning signal.

22 I am between two most endangered
23 impoundments. One is across the river from me, and
24 one is five miles up the road.

1-9

1 Now we think, Are we going to be washed
2 down Coal River? Does anybody here really know? No.

3 I am not against coal mining, because we
4 need coal, and we need jobs, but don't destroy our
5 mountains and communities.

6 There should be a law of how close the
7 mines are built to a town. Before the mountaintop's
8 removal, and pollution in Coal River, we could swim
9 in the river, we could fish in the river. We could
10 take a little canoe ride down Coal River, but they
11 are dammed up the river now, and we can't go
12 nowhere -- can't fish.

13 In the wintertime, we used to go ice
14 skating. The Coal River would freeze over. Now what
15 is in our river? What kind of chemical is in our
16 river that they do not freeze now?

17 Now I have got a little picture here I
18 want to show you, that the people in Sylvester have
19 suffered over a mountaintop removal. Right there,
20 (indicating) is where a stoker plant is put about 300
21 yards from my home.

22 Now on the count of all of the coal dust
23 that we are getting from the stoker plant, it has
24 ruined our little town.

15-2-2

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1 Now my time is almost up, but I just
2 want to tell one more thing: We have lost our
3 schools, and I feel now that I have lost my home.
4 My home is appraised at \$144,000. And
5 on the count of the coal dust, it is worth \$12,000.
6 It has depreciated. This is what I have worked so
7 hard on all my life, and it is only worth \$10,000,
8 not enough to bury me.
9 My husband was in the War. He fought
10 for our country; now I am fighting for my home.
11 I am damn mad. Now they say we have no
12 pollution; they are crazy.
13 This is what we put up with,
14 (indicating), coal dust.
15 MR. CHAIRMAN: Thank you, ma'am.
16 Next speaker is Pauline Canterbury.
17 Then the next speaker is Melvin Tyrce.
18 MS. CANTEBURY: My name is Pauline
19 Canterbury, and I am also from the town of Sylvester,
20 West Virginia.
21 Whoever said that we don't have any coal
22 dust anymore? Up there in the part of West Virginia
23 where they say that we don't have any coal dust
24 anymore -- well whoever said that here tonight, sure

11-3-2

15-2-2

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1 has not been in Sylvester in the last five years.
2 Because the last five years, the town of Sylvester
3 has been totally polluted, demolished, destroyed with
4 coal dust.
5 This Environmental Impact Statement you
6 have made does nothing for the communities.
7 You did not even come into the
8 communities, you didn't ask us anything. You didn't
9 ask us why we were complaining like we were
10 complaining.
11 I want to tell you what it is like to
12 live in the coal field today. Mountaintop removal
13 mining of coal fields today is massive ruination, not
14 only to the beautiful Appalachian mountains of West
15 Virginia, but to every creature whose existence
16 depends on these mountains for survival, and to the
17 citizens who live in the valley below them.
18 Much danger and destruction lurk behind
19 a guard shack, at the mouth of those operations.
20 Explosions that resemble the Atom Bomb,
21 fill the airway with rock dust for miles away,
22 covering the valley below, and all those who dwell
23 within, with this deadly stuff, which causes
24 silicosis.

15-2-2

3-2

1-9

15-1-2

1 Inadequate runoff ponds are built in the
2 hollows that break during heavy rains, hitting walls
3 of water gushing down the mountains destroying
4 everything and everyone in its path.

5 Dams are built up over hollows, holding
6 millions of gallons of black slurry, loaded with over
7 60 chemicals and varying degrees of age and erosion.
8 And seeping into underground mines that are in the
9 entire past history, threatening valleys and people
10 below them who have no route to safety. Buffalo
11 Creek and Martin County, Kentucky, are two good
12 examples of what will happen.

13 The first of these impoundments is
14 released constantly into our streams and rivers.

15 The Big Coal River, in Boone County, was
16 a free-flowing river. It is now a trickling stream
17 blocked at intervals with illegal dams and it is one
18 of the most contaminated rivers in the United States
19 of America, and it is the drinking water supply for
20 that area.

21 Illegal substances, such as rock dust
22 are disposed of in these impoundments. Unmarked
23 tankers and drums travel constantly into these areas
24 across our highways.

17-3-2

1 The dark of night hides many things.
2 Powdery, black coal dust pours from uncovered
3 structures, placed near residential areas, polluting
4 the air for miles, destroying citizens' properties,
5 homes, and exposing everyone to black lung.

6 The entry in the year 2000, had a 100
7 percent higher cancer risk than the Clean Water Act
8 allows. It is no different today.

9 The allotted time period speak here does
10 not allow enough to tell all of the vicious acts that
11 are being imposed by the citizens of West Virginia in
12 the southern coal fields caused by mountaintop
13 removal.

14 As a fellow Republican, and with due
15 respect, I challenge President Bush, and you, the
16 impact committee, to come into the hollows and
17 valleys of southern West Virginia, and feel the
18 explosions shake the house that you are standing in,
19 while the walls crumble, and pictures fall to the
20 floor.

21 And the continuing fear of rock dust
22 falling through the air on your body and breathe it
23 into your lungs.

24 To watch the sun disappear behind the

15-2-2

16-1-2

16-2-2